

### Washington, Wednesday, May 13, 1942

### The President

### PROCLAMATION 2556

FLAG DAY, 1942

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

For many years it has been our American custom to set aside June 14 in honor of the flag, the emblem of our freedom, our strength, and our unity as an independent nation under God. Now we are fighting in the greatest cause the world has known. We are fighting to free the people of this earth from the most powerful, the most ruthless, the most savage enemy the world has ever seen. We are dedicating all that we have and all that we are to the combat. We will not stop this side of victory.

We as a nation are not fighting alone. In this planetary war we are a part of a great whole: we are fighting shoulder to shoulder with the valiant peoples of the United Nations, the massed, angered forces of common humanity. Unless all triumph, all will fail.

For these reasons it is fitting that on our traditional Flag Day we honor not only our own colors but also the flags of those who have, with us, signed the Declaration by United Nations, paying homage to those nations awaiting liberation from the tyranny we all oppose, to those whose lands have escaped the scars of battle, to those who have long been heroically fighting in the blaze and havoc of war.

It is also fitting in this time of stress that we express our devotion to our courageous mothers, many of whom are sending out their sons to do battle with the enemy and all of whom are so loyally contributing to the waging of the war on the home front.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby ask that on Flag Day, June 14, 1942, the people of our Nation honor the peoples of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet

Socialist Republics, China, Australia, Belgium, Canada, Costa Rica, Cuba, Czechoslovakia, the Dominican Republic, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, the Union of South Africa, Yugoslavia—knowing that only in the strength and valor of our unswerving unity shall we find the force to bring freedom and peace to mankind.

I direct the officials of the Federal Government, and I request the officials of the State and local governments, to have our colors displayed on all government buildings on Flag Day, and I urge the people of the United States to fly the American flag from their homes in honor of the Nation's mothers and their valiant sons in the service, and to arrange, where feasible, for joint displays of the emblems of the freedom-loving nations on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of May, in the year of our Lord nineteen hundred and forty-two, [SEAL] and of the Independence of the United States of America the

### FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL, Secretary of State.

one hundred and sixty-sixth.

[F. R. Doc. 42-4296; Filed, May 12, 1942; 11:53 a. m.]

### **EXECUTIVE ORDER 9157**

REGULATIONS WITH RESPECT TO THE MAKING AVAILABLE OF RECORDS, SCHEDULES,
REPORTS, RETURNS AND OTHER INFORMATION BY THE SECRETARY OF COLLIERCE,
AND WITH RESPECT TO THE USE THEREOF
AFTER THE SAME HAVE BEEN MADE
AVAILABLE

WHEREAS section 1402 of the Second War Powers Act, 1942, approved March 27, 1942, reads as follows:

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The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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"Sec. 1402. That notwithstanding any other provision of law, any record, schedule, report, or return, or any information or data contained therein, now or hereafter in the possession of the Department of Commerce, or any bureau or division thereof, may be made available by the Secretary of Commerce to any branch or agency of the Government, the head of which shall have made written request therefor for use in connection with the conduct of the war. The President shall issue regulations with respect to the making available of any such record, schedule, report, return, information or data, and with respect to the use thereof after the same has been made available. No person shall disclose or make use of any individual record, schedule, report, or return, or any information or data contained therein contrary to the terms of such regulations; and any person knowingly and willfully violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both.'

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provision, and in order to carry out the purposes thereof, I hereby prescribe the following regulations:

1. Whenever any executive department or independent agency desires to have made available to it, pursuant to said section 1402, any record, schedule, report, or return, or any information or data contained therein, in the possession of the Department of Commerce, for use in connection with the conduct of the war, the head of such department or agency shall make a written request of the Secretary of Commerce to have such document or information made available to it, which request shall include:

(a) The name of the official who, or the bureau division or section which is to utilize the information:

(b) A description of the document or information desired to be made available;

(c) The manner in which it is desired that the occument or information shall be made available; whether by inspection or by being furnished with copies thereof;

(d) The name of the representative of the official, bureau, division, or section who is to make the inspection, or to whom the information is to be furnished;

(e) A statement that the document or information is to be used in connection with the conduct of the war and of the manner in which it is to be so used.

If the information requested by the head of the department or agency is of a statistical character, a copy of the request shall be submitted to the Division of Statistical Standards of the Bureau of the Budget at the time the request is submitted to the Secretary of Commerce.

2. Upon the receipt of the request, the Secretary of Commerce may make available the document or information requested, either by furnishing the information, or by furnishing the original or a copy of the document, or by permitting personal inspection of the same, and the Secretary of Commerce may impose such conditions and restrictions on the use of such document or information as he may deem advisable so as to protect any confidential feature that may be imposed by law or regulation on such document or information, consistent with the purposes of said section 1402 of the Second War Powers Act, 1942, and these regulations.

The Secretary of Commerce shall inform the Division of Statistical Standards of his action upon each request made, under section 1 of this order, if the information is of a statistical character.

3. The document or information that may be made available shall not be used for purposes, or disclosed to any person or agency, not covered by the request, or contrary to the conditions and restrictions imposed by the Secretary of Commerce.

4. Additional expenses incurred by the Department of Commerce in making available the documents or information requested shall be borne by the requesting agency

5. The term "person", as used in these regulations, shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

6. These regulations shall not be applicable to or restrict the furnishing by the Department of Commerce of Infor-

mation to other agencies of the Government or to the general public, which is not made confidential by statute or regulation.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

May 9, 1942.

[F. R. Doc. 42-4258; Filed, May 11, 1942; 2:35 p. m.]

### Regulations

TITLE 10-ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 7-MANUFACTURE OF DECORATIONS 2

§ 7.7 Sales, to whom authorized—(a) Individuals.

(4) Insignia, including buttons, as distinguished from decorations, medals, and badges prescribed or authorized by the War Department, may be sold by authorized dealers only to persons who present official War Department identification indicating their right to wear such insignia. (42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342, as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b) [Par. 8a (4), AR 600-90, Dec. 31, 1940, as amended by Cir. 130, W.D., May 1, 1942]

§ 7.10 Use and possession of articles and devices prescribed by the War Department. (a) The wearing of any decoration, medal, badge, or insignia prescribed or authorized by the War Department, by any person for whom such decoration, medal, badge, or insignia is not authorized or prescribed or their use to misrepresent the identification or status of the person by whom worn, is prohibited. Any person who offends against this provision is subject to punishment by a fine not exceeding \$250, or by imprisonment not exceeding 6 months, or both.

(b) Except as prohibited in paragraph (a) of this section, the possession by any person of any of the articles prescribed by the War Department, specified by the acts cited in these regulations is authorized, unless such possession is used to defraud or misrepresent the identification or status of the individual concerned.

(c) The articles specified by the acts cited in these regulations or any distinctive parts or colorable imitation thereof, will not be used by any organization, society, or other group of persons without prior approval of the Secretary of War. (42 Stat. 1286 as amended by

45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342, as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b) [Par. 12, AR 600-90, Dec. 31, 1940, as amended by Cir. 130, W.D., May 1, 1942]

[SEAL]

J. A. ULIO, Major General, The Adjutant General.

[F. R. Doc. 42-4273; Flied, May 12, 1942; 9:38 a.m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUP-PLIES AND ANIMALS

### DISCOUNT PURCHASES SUSPENDED

Sections 81.10 (a) (2) and 81.13 (f) <sup>1</sup> and any other provision in procurement regulations, directives, or instructions relative to purchasing on a discount basis are suspended for the duration of the war. Hereafter, all purchases regardless of the method used (after advertising for bids, in the open market, or by negotiation) will be made on a firm price basis without regard to seller's offer of prompt yayment or cash discount provisions. (R.S. 161; 5 U.S.C. 22) [Proc. Regs. 12–T, W.D., S.O.S., April 30, 1942]

[SEAL]

J. A. ULIO, Major General, The Adjutant General.

[F. R. Doc. 42-4274; Filed, May 12, 1842; 9:38 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

§ 81.10 Invitations for bids.

(f) Special conditions authorized or required to be included.

(13) Wages of laborers and mechanics employed on the construction, alteration, and repair of public buildings and public works; invitation for bids. (i) In conformity with § 81.10 (a) (8), invitations for bids in applicable cases will contain the wording of Article 17, Standard Form No. 23, Revised September 14, 1940, or November 7, 1941, Contract (Construction), in case that revised form is not to be used for the contract, and in either case the following provisions concerning minimum wages will be added:

The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:

Classification of laborer rates of wages per hour

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

(ii) Article 17 of U. S. Standard Form No. 23, Contract (Construction), has been revised by the Procurement Division. Treasury Department, effective April 30, 1942, by adding a new subarticle as follows:

(c) The regulations of the Secretary of Labor, referred to in Article 19 hereof, allow certain "Permissible deductions" from the wages required by this article to be paid. (49 Stat. 1011, 54 Stat. 399; 40 U.S.C. 276a) ISec. II, Proc. Regs. 14-T, W.D., S.O.S., April 30, 19421

[SEAL]

J. A. ULIO, Major General, The Adjutant General.

[F. R. Doc. 42-4276; Filed, May 12, 1942; 9:33 a.m.]

### PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS <sup>1</sup>

### REGOVIATED PURCHASES

§ 81.32 General instructions governing negotiated rurchases. Except where pro-curement by formal advertising is authorized by the Director of Purchases, War Production Board, all contracts will be placed by negotiation. The methods of negotiation to be followed will be determined by the chiefs of the supply services, Services of Supply. Any method which will result in the most efficient award of contracts and will, in the judgment of the respective chiefs referred to above, protect the interests of the Government is hereby authorized. Requests for authority to resort to formal advertising in lieu of negotiation will be submitted to the Purchases Branch, Procurement and Distribution Division, Services of Supply, by the chief of the supply service concerned. (Act of December 18, 1941, Public Law 354, 77th

<sup>&</sup>lt;sup>1</sup>§ 7.7 (a) (4) is amended and § 7.10 is superseded (6 F.R. 981).

<sup>&</sup>lt;sup>1</sup> See also 7 F.R. 2963.

<sup>\*§ 81.10 (</sup>f) (13) is amended (7 P.R. 377).

<sup>1 55 81.32</sup> and 81.33 are superseded.

Congress) [Par. 2, Proc. Regs. 11-T, S. O. S., April 30, 1942]

§ 81.33 Special instructions governing negotiated purchases. The following special instructions will govern the making of negotiated purchases:

- (a) Hereafter, all negotiated purchases will be made under the authority of the act of December 18, 1941 (Pub. Law 354, 77th Cong.), which may be referred to as the "First War Powers Act, 1941," and Executive Order No. 9001, December 27, 1941.
- (b) Chiefs of the supply services will decentralize to their field agencies the actual work of negotiating contracts to the greatest extent consistent with efficiency and proper safeguarding of the public interest.
- (c) Where consistent with the speed of war procurement, negotiations will be carried on with as many qualified suppliers as is practicable.
- (d) In negotiating contracts, particular regard will be paid to the following considerations:
- (1) Primary emphasis will be upon securing delivery in the time required by the war program.
- (2) So far as it will effectuate the policy set forth in subparagraph (1) of this paragraph, contracts will be placed so as to conserve, for the more difficult war production problems, the facilities of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for standard or other items which involve relatively simple production problems will be placed with concerns, normally the smaller ones, which are less able to handle the more difficult war production problems.
- (3) Subject to the considerations stated in subparagraphs (1) and (2) of this paragraph, contracts will be placed with concerns needing to acquire the least amounts of additional machinery and equipment for performance of the contracts. Accordingly, as an essential part of each negotiation, procurement officials will secure from prospective contractors statements listing all additional machinery and equipment which will be needed for the performance of the contract.
- (4) In giving effect to the provisions of subparagraphs (1), (2), and (3) of this paragraph, it is recognized that it may be necessary to purchase at other than the lowest price offered.
  - (e) Authority to make awards:
- (1) Awards of contracts or changes therein amounting to less than \$5,000,000 (or when the estimated amount in the case of cost-plus-a-fixed-fee contracts, or changes therein, is less than \$5,000,000) may be made by such contracting and other officers as the chiefs of the supply services, Services of Supply, may designate.
- (2) Awards of contracts or changes therein amounting to \$5,000,000 or more must be submitted to the Chief of the Purchases Branch, Procurement and Distribution Division, Services of Supply, for approval.

- (3) Awards of architect, engineer, management, or similar contracts will be submitted for approval in accordance with subparagraph (2) of this paragraph when the project which they cover amounts to \$5,000,000 or more.
- (f) No contract or modification or amendment thereof will be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) because of being entered into without advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act, as amended (49 Stat. 1011), the Copeland "Kickback" Act, as amended (48 Stat. 948), and the Eight Hour Law (act of June 19, 1912, 37 Stat. 138), as amended by the act of September 9, 1940 (Pub. Law 781, 76th Cong.), if otherwise applicable will apply to contracts made and performed under the authority of Executive Order No. 9001, December 27, 1941.
- (g) Nothing contained in these regulations will be construed to abridge the powers of commanders in theaters of operations to make necessary purchases in such manner as is deemed advisable. (Act of December 18, 1941, Pub. Law 354, 77th Cong.) [Par. 3, Proc. Regs. 11-T, W.D., S.O.S., April 30, 1942]

[SEAL]

J. A. Ulio, Major General, The Adjutant General.

[F. R. Doc. 42-4275; Filed, May 12, 1942; 9:39 a. m.]

### TITLE 14—CIVIL AVIATION

Chapter I-Civil Aeronautics Board

[Reg. Serial No. 219]

SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION, CONCERNING RECOG-NITION SIGNAL DEVICES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 7th day of May 1942.

The Civil Aeronautics Board finding that its action herein is necessary to the successful prosecution of the war effort and acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a), and 604 thereof, makes and promulgates the following special regulation:

An air carrier shall have on board aircraft operated in over-seas or foreign air transportation between such points as may be designated by the United States military authorities recognition signal devices of the type designated by such authorities. When operating between any such points, each airline pilot and copilot shall use such devices and comply with such recognition procedure as may be prescribed in instructions issued by the United States military authorities.

This recognition shall become effective on May 15, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, Secretary.

[F. R. Doc. 42-4295; Filed, May 12, 1942; 11:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Federal Home Loan Bank Administration

[Bulletin No. 8]

PART 1-DEFINITIONS

PART 4-OPERATIONS OF THE BANKS

AMENDMENTS DEFINING THE WORD "ADMINISTRATION" AND AMENDING REGULATIONS GOVERNING THE ISSUANCE OF CONSOLIDATED FEDERAL HOME LOAN BANK DEBENTURES

May 11, 1942.

The Rules and Regulations for the Federal Home Loan Bank System are hereby amended, effective May 11, 1942, in the following particulars:

- (1) The following additional section is added at the end of Part 1:
- § 1.17 Administration. The term "Administration" means the Federal Home Loan Bank Administration.
- (2) Section 4.2 is amended to read as follows:
- § 4.2 Consolidated debentures—(a) Issuance of debentures. The Administration will determine and authorize the issuance of all consolidated Federal Home Loan Bank debentures, dates of issue. maturities, rates of interest, terms and conditions thereof and the manner in which such debentures shall be issued. Subject to the provisions of the Federal Home Loan Bank Act, as amended, the Administration, by limiting the issuance of debentures or by retiring debentures when permitted by any redemption provisions thereof, will limit the aggregate obligations, including outstanding debentures, of all the Federal home loan banks (except obligations of one Federal home loan bank to another Federal home loan bank) to an amount not exceeding at any time five times the total paid-in capital, reserves, and surplus of all of the Federal home loan banks. Furthermore, debentures having maturities of one year or less from date of issue will not be issued in an amount which, together with the amount of any such debentures then outstanding and other obligations maturing within one year (except obligations of one Federal home loan bank to another Federal home loan bank) will exceed, at the time of issue, the aggregate amount then invested in obligations of or guaranteed by the United States, deposits in banks or trust companies (except deposits by one Federal home loan bank in another Federal home loan bank), advances with a maturity of not exceeding one year, sums due within one year as amortization of principal of advances, and securities legal for trust funds except obligations issued under the Federal Home Loan Bank Act.
- (b) Form of debentures. The consolidated debentures shall be issued in series and all the debentures of the same series shall be of like date, tenor and effect except as to denominations, which shall be in such amounts as the Governor may determine. The form of each debenture shall be prescribed by the Administration. The Administration may in its dis-

cretion, from time to time, issue interim receipts temporarily in lieu of definitive debentures in such forms and such manner as it may determine.

(c) Transactions (transfers, exchanges, redemptions, etc.) The general regulations of the Treasury Department governing transactions in Treasury bonds and notes of the United States, as they now or may hereafter be prescribed from time to time by the Secretary of the Treasury, are hereby adopted as the regulations of the Administration for similar transactions in the consolidated debentures, so far as applicable

debentures, so far as applicable.

(d) Lost, stolen, or destroyed debentures and interim receipts. The Statutes of the United States now or hereafter in force governing relief on account of the loss, theft, destruction, or mutilation of United States bonds, and the regulations of the Treasury Department, now or hereafter in force, governing the issuance of duplicates or the payment of lost, stolen, destroyed or mutilated bonds of the United States, so far as applicable, are hereby adopted as the regulations of the Administration for the issuance of duplicates or the payment of lost, stolen, destroyed or mutilated consolidated Federal Home Loan Bank debentures and interim receipts issued temporarily in lieu of definitive debentures. The Secretary of the Treasury, or the Acting Secretary of the Treasury, is hereby authorized and empowered, on the behalf of the Administration and the Federal home loan banks, to approve applications for relief and bonds of indemnity, and to issue duplicates or make payment of consolidated Federal Home Loan Bank debentures and interim receipts issued temporarily in lieu of definitive debentures. The Secretary, the Under Secretary, or any Assistant Secretary of the Treasury is hereby authorized to waive such regulations of the Administration on behalf of the Administration at his discretion in any particular case where a similar waiver would be allowed with respect to United States bonds: and the Secretary of the Treasury, or the Acting Secretary of the Treasury, is hereby authorized and empowered, as the agent of the Administration and the Federal home loan banks, to administer the foregoing provisions for relief and the regulations with respect thereto, and to delegate such authority at his discretion, to other officers and employees of the United States Treasury Department: Provided, That such delega-tion of authority shall not extend to powers herein expressly conferred upon the Secretary, Acting Secretary, Under Secretary, or Assistant Secretaries of the Treasury. (Sec. 11 (b) of F.H.L.B.A., as amended by sec. 503, 48 Stat. 1262, sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1431 (b), 1437; E.O., 9070, 7 F.R. 1529) These amendments are deemed to be of a minor and procedural character within the provisions of paragraph (b) of Section 8.3 of the Rules and Regulations for the Federal Home Loan Bank System.

FCEAT 1

JAMES TWOHY,

Governor.

Harold Lee, General Counsel. John M. Hager.

Executive Asst. to the Commissioner. [F. R. Doc. 42-4254; Filed, May 11, 1942; 1:05 p. m.] TITLE 26-INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue [T. D. 5149]

Subchapter A—Income and Excess Profits Taxes
PART 19—INCOME TAX UNDER THE INTERNAL
REVENUE CODE

REGULATIONS 103 AMENDED — POSTPONING DUE DATES FOR INCOME TAX RETURNS AND PAYMENT OF INCOME TAXES IN CASE OF CERTAIN INDIVIDUALS IN THE MILITARY OR NAVAL FORCES OF THE UNITED STATES AND CERTAIN CIVILIAN EMPLOYEES OF THE UNITED STATES

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.1 to Public Law 490 (77th Congress), approved March 7, 1942, such regulations are amended as follows:

PARAGRAPH 1. Section 19.53-1 is amended by adding at the end thereof the following sentence:

• • For provisions relating to the time for filing income tax returns in the case of certain individuals in the military or naval forces of the United States who are serving on sea duty or outside the continental United States, and in the case of certain civilian employees of the United States who are prisoners of war or otherwise detained by any foreign government with which the United States is at war, see § 19.56-1 (b).

PAR. 2. The first sentence of § 19.53-4 is amended to read as follows:

The due date is the date on or before which a return is required to be filed in accordance with the provisions of the Internal Revenue Code, or, in the case of certain individuals, in accordance with the provisions of Public Law 490 (77th Congress), approved March 7, 1942 (see § 19.56-1 (b)), or the last day of the period covered by an extension of time granted by the Commissioner or a collector.

Par. 3. Immediately preceding §19.56-1, the following is inserted:

Public Law 490 (77th Congress), Approved March 7, 1942

That for the purpose of this Act-

(a) the term "person" means (1) commissioned officer, warrant officer, enlisted person (including persons selected under the Selective Training and Service Act, as amended), member of the Army or Navy Nurse Corps (female), wherever serving; (2) commissioned officer of the Coast and Geodetic Survey or the Public Health Service; and (3) civilian officers and employees of departments, during such time as they may be assigned for duty outside the continental limits of the United States or in Alaska;

(d) the term "department" • • • means any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government.

Sec. 13. Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income-tax return of, or payment of any Federal income tax by—

(a) any individual in the military or naval forces of the United States, or

(b) any civilian officer or employee of any department

who, at the time any such return or payment would otherwise become due, is a prisoner of war or is otherwise detained by any foreign government with which the United States is at war, or

(c) any individual in the military or naval forces of the United States serving on sea duty or outside the continental United States at the time any such return or payment would otherwise become due,

chall become due until one of the following dates, whichever is the earliest:

(1) the fifteenth day of the third month following the month in which he ceases (except by reason of death or incompetency) to be a prisoner of war, or to be detained by any foreign government with which the United States is at war, or to be a member of the military or naval forces of the United States cerving on ead duty or outside the continental United States, as the case may be, unless prior to the expiration of such afficenth day he again is a prisoner of war, or is detained by any foreign government with which the United States is at war, or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States;

(2) the fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(3) the fifteenth day of the third month following the month in which an executor, administrator, or concervator of the estate of the taxpayer is appointed.

Such due date is prescrited subject to the power of the Commissioner of Internal Revenue to extend the time for filing such return or paying such tax, as in other cases, and to access and collect the tax as provided in sections 146, 273, and 274 of the Internal Revenue Code in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership. For the purpose of this section, the term "continental United States" means the States and the District of Columbia, and the terms "individual" or "member" of the military or naval forces of the United States means any person in the Army of the United States, the United States Navy, the Marine Corps, the Army or Navy Nurse Corps (female), the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service.

Szc. 14. The provisions of this Act, applicable to percons in the hands of an enemy, shall apply to any person beleaguered or besieged by enemy forces.

Par. 4. Section 19.56-1 is amended by inserting immediately preceding the first sentence "(a) In general.", and by inserting at the end of such section the following new paragraph (b):

(b) Certain individuals in military or naval forces of United States and certain civilian employees of United States. This paragraph (b) applies only to returns and payment of tax for taxable years beginning after December 31, 1940. For the purposes of this paragraph (b), the terms defined in Public Law 490 (17th Congress), approved March 7, 1942, shall have the meanings so assigned to them.

Under the provisions of sections 13 and 14 of Public Law 490, the due date for any income tax return and for any payment (including any installment payment) of income tax is postponed in the case of any individual in the military or

naval forces of the United States who, at the time the return or payment would otherwise become due, is serving on sea duty or outside the continental United States. The new due date, in the case of any such postponement, is the 15th day of the third month following the month in which the individual ceases (except by reason of death or incompetency) to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, unless prior to the expiration of such 15th day he is a prisoner of war of, or is detained by, any foreign government with which the United States is at war, or is beleaguered or besieged by enemy forces, or is again a member of the military or naval forces serving on sea duty or outside the continental United States.

Under the provisions of sections 13 and 14 of Public Law 490, the due date for any income tax return and for any payment (including any installment payment) of income tax is also postponed in the case of any individual in the military or naval forces of the United States or any civilian officer or employee of any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government who, at the time the return or payment would otherwise become due, is a prisoner of war of, or is otherwise detained by, any foreign government with which the United States is at war, or is beleaguered or besieged by enemy forces. The new due date, in the case of any such postponement, is the 15th day of the third month following the month in which the individual ceases (except by reason of death or incompetency) to be such a prisoner, or to be so detained, beleaguered, or besieged, unless prior to the expiration of such 15th day he is a member of the military or naval forces of the United States serving on sea duty or outside the continental-United States.

or is again such a prisoner, or so detained, beleaguered, or besieged.

The new due date, if it has not previously occurred pursuant to the preceding provisions of this paragraph (b), is the earlier of the two following dates:

(1) the 15th day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed; or

(2) the 15th day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President.

See §§ 19.53-1 to 19.53-4, inclusive, for provisions relating to the time when an income tax return would otherwise (that is, but for sections 13 and 14 of Public Law 490), become due.

In case the due date for paying the tax (as distinguished from the due date of an installment of the tax) is postponed under the provisions of Public Law 490, the tax may, at the option of the taxpayer, be paid in accordance with the provisions of section 56 (b) of the Internal Revenue Code in four equal installments instead of in a single payment. In such case the first installment is to be paid on or before the new due date prescribed by the provisions of Public Law 490, the second installment on or before the 15th day of the third month. the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such new due date.

In case the due date for paying an installment of the tax (other than the first installment) is postponed under the provisions of Public Law 490, the due date of each such installment so postponed is the single date prescribed by such provisions. The preceding sentence may be illustrated by the following example:

Example: A, a member of the United States Army, is within the continental United States when his income tax return

and tax for the calendar year 1941 become due, and he files his return and pays the first installment of the tax on or before the due date. A serves on duty outside the continental United States on the dates (June 15, September 15, and December 15, 1942) when the remaining three installments normally are payable. In February 1943 he returns to the continental United States for duty, and does not again serve outside the continental United States before May 16, 1943. The last three installments on A's income tax for 1941 all become due on May 15, 1943, that is, on the 15th day of the third month following the month in which he ceased to serve outside the continental United States.

Par. 5. Section 19.217-1 is amended by inserting after the first sentence thereof the following sentence:

\* \* \* For provisions relating to the time for filing income tax returns in the case of certain individuals in the military or naval forces of the United States and certain civilian employees of the United States, see § 19.56-1 (b),

Par. 6. Section 19.218-1 is amended by adding at the end thereof the following sentence:

\* \* For provisions relating to the time for payment of the tax in the case of certain individuals in the military or naval forces of the United States and certain civilian employees of the United States, see § 19.56-1 (b).

(Secs. 62, 3791 I.R.C., 53 Stat. 32, 467; 26 U.S.C., 62, 3791; secs. 1, 13, 14, Pub. Law 490, 77th Cong., approved March 7, 1942)

[SEAL] GUY T. HELVERING, Commissioner of Internal Revenue.

Approved:

John L. Sullivan,
Acting Secretary of the Treasury.

[F. R. Doc. 42-4293; Filed, May 12, 1942; 11:36 a. m.]

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Chapter III—Bituminous Coal Division TITLE 30-MINERAL RESOURCES

Docket No. A-1433]

Part 322—Minimum Price Schedule, DISTRICT No. 2

TEMPORARY RELIEF GRANTED

conditionally providing for final reflet in the matter of the petition of District Board No. 2 for the establishment of for the coals of the Miller #2 Mine (strip) mine index No. 2389 of John Mil-Order granting temporary relief and price classifications and minimum prices ler (Miller Coal Co.).

An original petition, pursuant to section 4 II (d) of the Bituminous Goal Act of 1937, having been duly filed with this Division by the above-named party, results to the containing the c questing the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Miller #2 Mine (Strip), Mine Index No. 2389, of John Miller (Miller Coal Co.); and

ing of necessity has been made for the It appearing that a reasonable showgranting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-

The following action being deemed necessary in order to effectuate the pur-

poses of the Act.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:
Commencing forthwith, § 322.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-1, \$32.9 (Special prices—(c) Ratiroad fuel) is amended by adding thereto Supplement R-II, and § 322.3 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in

the above-entitled matter and applications to stay, terminate or modify the
temporary relief herein granted may be
filed with the Division within forty-five
(45) days from the date of this Order,
pursuant to the Rules and Regulations
Governing Practice and Procedure before the Bituminous Coal Division in
Proceedings Instituted Pursuant to section 4 II (a) of the Bituminous Coal Act
of 1937.

It is further ordered, That the relief
herein granted shall become final sixty
(60) days from the date of this Order,
unless it shall otherwise be ordered,
Dated: April 25, 1942.

DAN H. WHEELER [SEAL] Nore: The material contained in these supplements is to be read in the light of the cidesifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

TEMPORARY AND CONDITIONALLY FINAL BEFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2 entitled matter; and

## FOR ALL SHIPMENTS EXCEPT INDOK

Alphabetical list of code members—Supplement R-1

(Alphabetical listing of code members having raliway loading facilities, showing price classification by cles group numbers)

N N N N N N N N N N N N N N N N N N N		Imperial, Ra Montour.	-	Pittsburgh	Miller & (Strlp)	Miller, John (Miller Coal Co.)	
Freight of Right         Size group Nos.           Erruph No.         1         2         3         4         5         6         7         8         0         10	Rollread	Shipping point	Rub- dist. No.	Бсэт	Mino namo	Code member	Mino Index No.

When shown under a Size Group Number this symbol indicates no elacification effective for this Size Group.

Group § 322.9 Special prices—(c) Railroad fuel—Supplement R-II. In § 322.9 Minimum Price Schedule add the mine index number in group shown. No. 2: 2389.

FOR TRUCK SHIPMENTS

H General prices—Supplement

Prices in eents per net ton for chipment into all market areas

the matter of the petition of District Board W. 6 for the establishment of	<u> </u>	this Division	440	of necessity has been made for the grant-
	35° shock	H		
	Macle "NI		===	
	SIN "Z			l
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Daco stres	Per Huxing		<u> </u>	
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Ĕ	ELS Z, X 4.,		2310	
	Lump 2"			<del>=</del>
	Lump 3"	က	<u> </u>	1
	Lump over 4"	ંલ	ន្ត	53
	Lump over 4"	-	<u> </u>	١
	Ecam		Pittsburgh	May 11, 1942; 1
	Mine		Miller #3 (Strlp)	[F. R. Dog. 42-4230; Filed, May 11, 1942; 11:43 a. m.]
	o ladex No.	alla	200	lå
_				꼂
	Code member index		Aller, John (Miller Coal Co.) 2359 Miller #2 (Strip) Pittsburgh 270 220 229 229 210 210	E.

[F. R. D00. 42–4230; Filed, May 11, 1042; 11:43 a. m.]

[Docket No. A-1378]

Part 326—Minimum Price Schedue, DISTRICT NO.

TEMPORARY RELIEF GRANTED

conditionally providing for final relief in the matter of the petition of District Board No. 6 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 6. Order granting temporary relief

ing of temporary relief in the manner hereinafter set forth; and No petitions of intervention having

been flied with the Division in the above-

entitled matter; and

The following action being deemed beessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relate is granted as follows: Commencing forthwith, § 326.5 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 326.6 (Numerical list of mines) is amonded by adding thereto Supplement R-II, and § 326.23 (General prices, for slitpment fulo all market areas) is amended by adding thereto Supplement for all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof. in opposition to the original petition the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4  $\Pi$  (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: April 20, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 6

Note: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER § 326.5 Alphabetical list of code members—Supplement R-I

[Alphabetical list of code members having rallway loading facilities, showing price classification by size group numbers]

x No.			t No.			Chinning		origin Nos.	E	ric	е	cla	ssi gro	iles up	tic N	os.	: 1:	y	siz	:0
Mine index No.	Code member	Mine name	Subdistric	Seam	Туре	Shipping points in W. Va.	Rail- road	Freight o	1	2	3	4	Б	6	7	8	9	10	11	12
208	Busatti & Sons Coal Co. (Andy	Standard #1 (Deep)	-	Pgh 8	Deep	(McKinley-	PRR_	30	o	С	σ	σ	O	0	0	c	o	0		O
194	Busatti). Busatti & Sons Coal Co. (Andy Busatti).	Mitchell		Pgh 8	Deep	ville). Wellsburg (McKinley- ville).	PRR_	30	С	O	С	C	С	С	σ	С	c	c		σ

§ 326.6 Numerical list of mines—Supplement R-II. Refer to § 326.6 in Minimum Price Schedule for District No. 6. Add the following:

Mine index No.	Mine name	Code member	Freight orlgin group No.	Railroad
194	Mitchell	Busatti & Sons Coal Co. (Andy Busatti)	30	PRR.
208	Standard #1 (Deep)	Busatti & Sons Coal Co. (Andy Busatti)	30	

Prices for all Mine Index Numbers Except 7, 20, 24, and 26 shown in  $\S$  326.7 in Minimum Price Schedule for District No. 6 apply to Mine Index Numbers 194 and 208.

### FOR TRUCK SHIPMENTS

§ 326.23 General prices for shipment into all market areas—Supplement T

						E	Base s	izes-	-		
Code member index	Mine	re index No.	Seam	6" lump	3"-4"-6" lump	, i	2', x 4'' egg	1¼" lump 1¼" x 4" egg	Mine run, nut and pea	2'x 0 slack	34" x 0 slack
	i	Mine		1	3	8	4	5	6	7	8
Busatti & Sons Coal Co. (Andy Busatti)	Standard #1 (Deep)	208	Pgh. 8	285	275	260	235	230	220	200	190

[F. R. Doc. 42-4228; Filed, May 11, 1942; 11:42 a. m.]

[Docket No. A-1394]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

### TEMPORARY RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of certain mines of District No. 11 for truck shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the aboveentitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: April 22; 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

# TEMPORARY AND CONDITIONALLY PHASE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

FOR TRUCK SHIPMENTS

net ton for shipment into all market areas—Supplement T General prices in cents per § 331,24

contained in this supplement is to be read in the iight of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto

-gw	Ilio	,	* *			-			Price	Prices and size group Nos.	lzo gro	oN du	8			٠.		
No.	No.	Mino	Seam	2 4 2 2	, m	70	8 4	8	5,5,5 53	9 11, 13 14 16 16 17 18, 21 22 23 24 25 20 27 23 30 31 33 8	16 17	ඤිසුනු ය	8	3 24	25 26	88 8	8	31 33,
, 46	189 Durkin Goa 1,316 William G.	oal Co.	88	240 240 235 235	230 230	222	911	76 170 75 170	105 135	21 22 25 25	\$\$   \$\$							

[F. R. Doc. 42-4227; Filed, May 11, 1942; 11:42 a. m.]

Part 331—Minimum Price Schedule, District No. 11

ing of temporary relief in hereinafter set forth; and

Temporary relief granted, etc.

conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of the Chesser Mine (Mine Index No. 288) of Chesser Goal Corpora-tion, a code member in District No. 11 for all shipments except truck. An original petition, pursuant to sec-tion 4 II (d) of the Bituminous Goal Act granting temporary relief

Act. of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Chesser Mine (Mine Index No. 288) of Chesser Coal Corporation, a code member in District No. 11 for all ship-

pursuant to the Rules and Regulations

Governing Practice and Procedure be-

filed with the Division within forty-five days from the date of this Order,

temporary relief herein granted may be

Proceedings Instituted Pursuant to section  $4~\Pi$  (d) of the Bituminous Coal Act tion 4 II (d) of 1937. temporary relief in the manner No petitions of intervention having been filed with the Division in the above-

It is further ordered, That the relief herein granted shall become final sixty

The following action being deemed necessary in order to effectuate the pur-

poses of the Act;

entitled matter; and

(60) days from the date of this Order, Dan H. WHEELER, Acting Director unless it shall otherwise be ordered. Dated: May 2, 1942. Dated: May 2, [SEAL]

Tempohary and Conditionally Final Bepective Minimum Prices for District No. 11 Norn: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

### Alphabetical list of code members—Supplement R FOR ALL SHIPMENTS EXCEPT TRUCK

Mino Index No. 233 shall be included in Price Group 10 and chall take the came f. o. b. mine prices as ether takes in Carlo Group 10 in Price Selectude No. 1, District No. 11. For All Sulpments Except Truck. It chall also take the came objectments in c. b. mino prices on account of districted in freight rates as other amore in Freight Coupin Group 71 invites the came freight rate.

Also Index No. 2.3 shall be accorded the came prices for railread locamotive fuel as shown in § 231.10 in Minis mum Price Selectude for District No. 11 For All Shipments Except Truck as are shown for Mino Index No. 6, 31, 33, 103, 114, 115, 127 and 303.

(F. R. Doo, 42–4229; Filed, May 11, 1942; 11:43 a. m.)

TITLE 32—NATIONAL DEFENSE

Chapter IX-War Production Board

Subchapter B-Division of Industry Operations

PART 1198— GLASS CONTAINER AND CLOSURE SIMPLIFICATION

### LIMITATION ORDER L-103

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of glass and other critical materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1198.1 Limitation Order L-103—(a) Applicability of Priorities Regulation No. 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) Definitions. For the purposes of this order,

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation, or agency, or any organized group of persons, whether incorporated or not.

(2) "Glass container" means any glass bottle, jar, or tumbler which is intended for packing, packaging, or putting up products of any kind, but does not include any closure as defined in subparagraph (3) below.

(3) "Closure" for a glass container means the sealing or covering device including, but not limited to, a crown or cap affixed or to be affixed to a glass container in order to retain the contents within the container.

(4) "Finish" of a glass container means the configuration of the neck or opening which serves to engage specific parts of the closure in order to affix it to the glass container.

(5) "Design" of a glass container means the particular shape, form, figure, or contour of the body of such container (other than the finish) which influences

or contour of the body of such container (other than the finish) which influences the use, desirability, advertising, or trade acceptance of the product contained.

- (c) Issuance of schedules of simplifi-cation of lines. The Director of Industry Operations may from time to time issue schedules establishing simplified practices with respect to designs, weights, sizes, or types of glass containers and closures. When any such schedule describes a finish by reference either to an over-all measurement in millimeters or to the letters "G. C. A." followed by a numeral or numerals, such description shall mean a specification issued by the Glass Container Association of America and in effect on the date of issuance of this order. From and after the effective date of any such schedule no such containers or closures shall be produced, formed, stamped, drawn, blown, or molded except those that conform to the issued schedule.
- (1) Any specification (whether or not relating to a finish) indicated by such a

schedule shall mean a specification issued by the Glass Container Association of America, and in effect on the date of issuance of this order, including the tolerances recognized by that Association in respect of such specification.

- (d) Freezing of all glass container designs to existing molds. On and after the date of issuance of this order no person shall manufacture a glass container of a design not in existence on such date, except upon the following conditions:
- (1) When a schedule or exhibit thereof issued by the Director of Industry Operations specifically authorizes the use of a design not theretofore made in glass.

(2) When no suitable glass container exists for packing a product not previously packed in glass.

(3) When it is necessary to design a special glass container in order that it can be used on an existing filling and packing line previously used for containers made from other materials.

(4) When a minor change in an existing permitted container design will result in a glass container that is lighter in weight in proportion to its capacity, or in a glass container that can be made faster or more efficiently, or of better quality, except that such change shall not be permitted unless the former design is then abandoned.

(5) Any new design permitted by subparagraphs (2), (3), or (4) of this paragraph (d) must be submitted to the War Production Board, Ref: L-103, for approval before adoption by a manufacturer of glass containers.

(e) Allowance of normal operating tolerances. Nothing in this order shall (1) restrict any normal operating practices for improving mold for forming glass containers, when being prepared for use on a machine for forming glass containers, such as adjusting the weight. capacity, or other specification of the mold within the recognized tolerances for such glass containers issued by the Glass Container Association of America; (2) prevent the normal interchange of finishes or similar parts which may be made optional on a particular body design by reason of a Schedule issued pursuant to paragraph (c) above; or (3) prohibit the usual differences in a glasscontainer design when manufactured on glass-container machinery of different types.

(f) Miscellaneous provisions-(1) Appeal. Any person affected by this order who considers that compliance therewith or with any schedule issued pursuant thereto would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of glass conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Office of the War Production Board, Ref: L-103, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(2) Foreign shipments. Nothing in this order shall affect the manufacture, sale or delivery of glass containers or closures intended to be shipped outside the United States of America or any of its possessions.

(3) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furmishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or using material under priority control and may be deprived of priorities assistance.

(4) Communications to Office of War Production Board. All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., 'Ref: L-103." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 9040, 7 F.R. 329, 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. Knowlson, Director of Industry Operations.

[F. R. Doc. 42-4255; Filed, May 11, 1942; 11:48 a. m.]

PART 1198—GLASS CONTAINER AND CLOSURE SIMPLICATION

SCHEDULE A TO LIMITATION ORDER L-103-DISTILLED SPIRITS

§ 1198.2 Schedule A to Limitation Order L-103—(a) Definitions. For the purposes of this schedule,

(1) "Distilled spirits" means whiskey, gin, brandy, and rum.

(2) A "standard glass container" means a glass container described in Exhibits A-1, A-2, A-3, or A-4 of this schedule.

- (b) Simplified practice. (1) Until further order of the Director of Industry Operations, the manufacture of glass containers for distilled spirits is limited to the following capacities: 1 quart (32 fluid ounces); ½ quart (25.6 fluid ounces); 1 pint (16 fluid ounces), and ½ pint (8 fluid ounces) and the manufacture of glass containers for all other liquors (such as cordials, cocktails, and specialties) is limited to capacities of ½ pint (8 fluid ounces) or more.
- (2) (i) After the date of issuance of this schedule and prior to September 1, 1942, no glass container for distilled spirits shall be manufactured which has a glass weight heavier than the following:
- (a) If of quart capacity, not more than 22 oz. avoir.;
- (b) If of \% quart capacity, not more than 20\% oz. avoir.;
- (c) If of pint capacity, not more than 15 oz. avoir.;
- (d) If of half-pint capacity, not more than 10 oz. avoir.
- (ii) On and after September 1, 1942, and prior to January 1, 1943, no glass

container for distilled spirits shall be manufactured which has a glass weight heavier than the following:

(a) If of quart capacity, not more than 201/2 oz. avoir.;

(b) If of % quart capacity, not more than 19 oz. avoir.;

(c) If of pint capacity, not more than 13½ oz. avoir.;

(d) If of half-pint capacity, not more than 8½ oz. avoir.

(3) (i) After the date of issuance of this schedule no mold may be replacedwhether because of wear or for any other reason-except by a mold which conforms to the specifications of a standard glass container.

(ii) On and after January 1, 1943 only standard glass containers for distilled

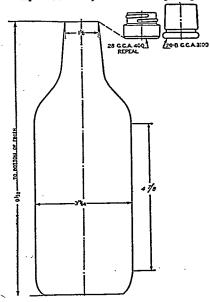
spirits may be produced.

(4) No provision of this schedule shall be construed to restrict the sale, delivery or use of glass containers which were completely manufactured on the date of issuance of this schedule.

(c) Nothing in this schedule shall prohibit the manufacture, sale, delivery, or use of glass containers marked by any lettering or indicia now or hereafter required by any Act of Congress or regulation of the Bureau of Internal Revenue issued pursuant thereto. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 9040, 7 F.R. 329, 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

EXHIBIT A-1 OF SCHEDULE A, LIMITATION ORDER L-103

Standard Glass Container, Distilled Spirits Bottle, 32 Ounce Capacity

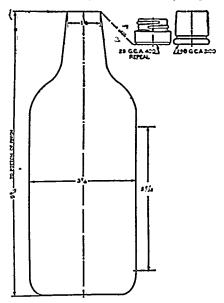


Bottles shall be plain and without decoration except for capacity designation, Federal indicia, glass-makers' identification. No label spotting design features allowed.

Bottles must be round—19 oz. wt.

EXHIBIT A-2 OF SCHEDULE A, LIMITATION ORDER L-103

Standard Glass Container, Distilled Spirits Bottle, 25.6 Ounce Capacity

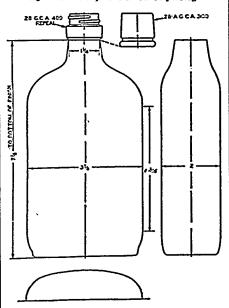


Bottles shall be plain and without decoration except for capacity designation, Federal indicia, glass-makers' identification. No label spotting design features allowed.

Bottles must be round-17 oz. wt.

EXHIBIT A-3 OF SCHEDULE A, LIMITATION ORDER L-103

Standard Glass Container, Distilled Spirits Flask, 16 Ounce Capacity

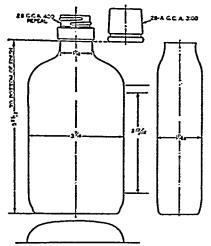


Bottles shall be plain and without decoration except for capacity designation, Federal indicia, glass-makers' identification. No label spotting design features allowed.

Bottle weight—13½ cz.

EXHIBIT A-4 OF SCHEDULE A, LIMITATION ORDER L-103

Standard Glass Container, Distilled Spirits Flask, 8 Ounce Capacity



Bottles shall be plain and without decoration except for capacity designation, Federal indicia, glass-makers' identification. No label cpotting design features allowed.

Bottle weight—8½ oz.

Issued this 11th day of May 1942. J. S. Knowlson, Director of Industry Operations.

[P. R. Doc. 42-4256; Filed, May 11, 1942; 11:48 a. m.]

PART 1198—GLASS CONTAINER AND CLOSURE SHIPLIFICATION

SCHEDULE B TO LIMITATION ORDER L-103-MALT BEVERAGES

§ 1198.3 Schedule B to Limitation Order L-103-(a) Definitions. For the purposes of this schedule,

(1) "Malt beverages" means beer, ale, porter or stout.

(2) A "standard glass container" means a glass container described in Exhibits B-1 to B-11, inclusive, of this

(b) Simplified practice. (1) Until further order of the Director of Industry Operations, the manufacture of glass containers for malt beverages is limited to the following capacities: 12 fluid ounces; 1 quart (32 fluid ounces); and one-half gallon (64 fluid ounces).

(2) After the effective date of this schedule, no glass container for malt beverages shall be manufactured which has a glass weight heavier than the fol-

(i) If of one-half gallon capacity, not more than 39 oz. avoir.;

(ii) If of quart capacity, not more than 30 oz. avoir .:

(iii) If of 12 fluid ounce capacity, and

- (a) In the so-called "Steinie" shape, not more than 10½ oz. avoir.;
- (b) In the so-called "Export," "Ale," or "Select" shapes, not more than 12 oz. avoir.
- (3) (i) After the date of issuance of this schedule no mold may be replaced—whether because of wear or for any other reason—except by a mold which conforms to the specifications of a standard glass container.
- (ii) On and after January 1, 1943, only standard glass containers for malt beverages may be produced.
- (4) Beginning ten (10) days after the date of issuance of this schedule no glass containers for malt beverages shall be manufactured except of a type that can be returned to the brewery for refilling.
- (5) No provision of this schedule shall be construed to restrict the sale, delivery, or use of glass containers which were completely manufactured on the date of issuance of this schedule. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 9040, 7 F.R. 329, 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

EXHIBIT B-1 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Steinie Shape Beer Bottle for Unpasteurized Beer, 64 Ounce Capacity—66½ Overflow

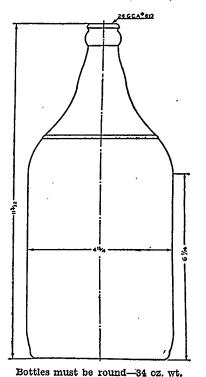


EXHIBIT B-2 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Steinie Shape Beer Bottle for Pasteurized Beer, 64 Ounce Capacity—68 Overflow

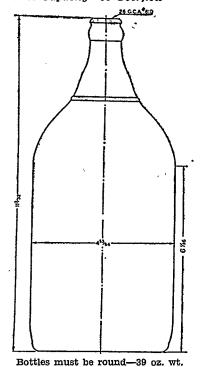


EXHIBIT B-3 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Steinie Shape Beer Bottle, 32 Ounce Capacity—33¾ Overflow

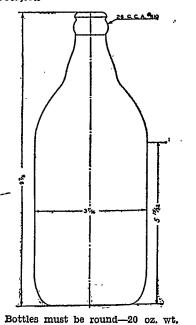


EXHIBIT B-4 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Steinie Shape Beer Bottle, 12 Ounce Capacity—122%2 Overflow

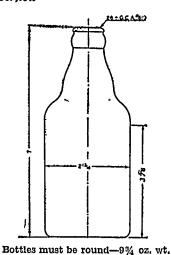
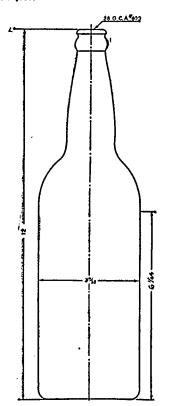


EXHIBIT B-5 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Export Shape Beer Bottle, 32 Ounce Capacity—33¾ Overflow



Bottles must be round-28 oz. wt.

EXHIBIT B-6 OF SCHEDULE B, LILITATION ORDER 1-103

Standard Glass Container, Export Shape Beer Bottle, 12 Ounce Capacity—1223/52 Overflow

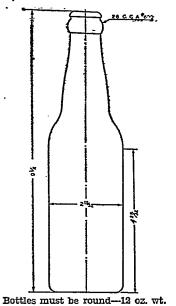
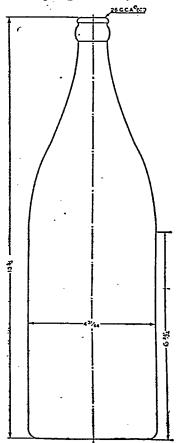


EXHIBIT B-7 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Select Shape Beer Bottle for Pasteurized Beer, 64 Ounce Capacity—68 Overflow



Bottles must be round-39 oz. wt.

ENHIBIT B-8 OF SCHEDULE B, LIMITATION ORDER 1-103

Standard Glass Container, Sclect Shape Beer Bottle for Unpasteurized Beer, 64 Ounce Capacity—661/2 Overflow

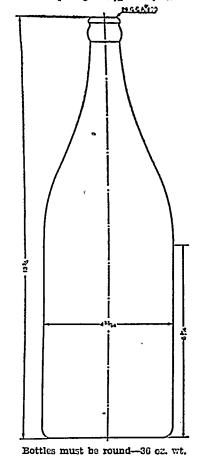


EXHIBIT B-9 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Select Shape Beer Bottle, 12 Ounce Capacity— 12232 Overflow

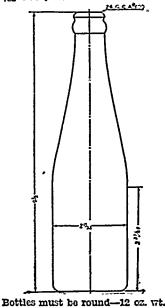


EXHIBIT P-10 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Ale Bottle, 32 Ounce Capacity—33¾ Overflow

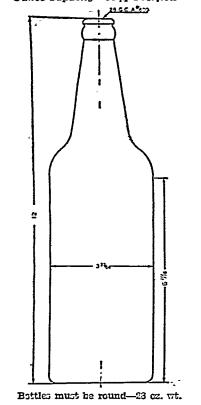
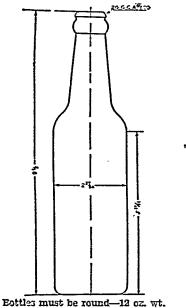


EXHIBIT B-11 OF SCHEDULE B, LIMITATION ORDER L-103

Standard Glass Container, Ale Bottle, 12 Ounce Capacity—1223/32 Overflow



Issued this 11th day of May 1942.

J. S. Knowlson,

Director of Industry Operations.

[P. R. Doc. 42-4257; Filed, May 11, 1942;

11:48 a. m.]

PART 1176—IRON AND STEEL CONSERVATION
GENERAL CONSERVATION ORDER M-126

The item "Pencils, automatic" was omitted from List A on page 3366 of the issue for May 6, 1942. The governing date is May 5, 1942.

### PART 1046—SUPPLIERS

EXEMPTION NO. 3 TO SUPPLIERS' INVENTORY LIMITATION ORDER L-63 1

§ 1046.6 Exemption No. 3 to Suppliers' Inventory Limitation Order L-63. (a) Pursuant to paragraph (b) (5) of Suppliers' Inventory Limitation Order L-63, issued April 6, 1942, suppliers are hereby exempted from the provisions of said order as to that portion of "automotive supplies" which consists of tires, tubes and of "replacement parts" as such "replacement parts" are defined in the following orders:

Section 976.11 2 (a) (5) of Limitation Order L-35, issued January 22, 1942, as amended by Amendment No. 1 thereof, issued March 5, 1942.

issued March 5, 1942.
Section 983.5 b) (4) of Supplementary Limitation Order L-4-C, issued May 5, 1942.

Section 983.4 (b) (4) of Supplementary Limitation Order L-4-B, issued April 25, 1942.

Accordingly, it is not necessary for suppliers to include tires, tubes or replacement parts in the monthly record and report required by paragraph (e) of said Order L-63.

Also, the inventory limitations imposed by paragraphs (b) (1) and (2) of Order L-63 are not applicable to said materials, but are applicable to automotive operating supplies and automotive accessories other than tires, tubes and "replacement parts" listed above.

This exemption shall take effect immediately, and shall continue in effect until amended or revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 12th day of May 1942.

J. S. Knowlson,

Ir

Director of Industry Operations [F. R. Doc. 42-4289; Filed, May 12, 1942; 11:17 a. m.]

PART 1179—GOLF CLUBS

AMENDMENT NO. 2 TO LIMITATION ORDER

Section 1179.1 <sup>5</sup> General Limitation Order L-93, is hereby amended in the following particulars:

Paragraph (a) (3) is hereby amended by inserting after the word "plastics" the following: "which are not in a completely fabricated shape ready for assembly,". (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 12th day of May 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-4288; Filed, May 12, 1942; 11:17 a. m.]

PART 1222—EXPORTS OF CRITICAL MATERIAL

GENERAL EXPORTS ORDER M-148

Whereas, the requirements for the defense of the United States have created a shortage of the materials hereinafter set forth for defense, for private account and for export; and Whereas, restrictions upon the exports of such materials and the distribution thereof in the manner hereinafter set forth are necessary and appropriate in the public interest and to promote the national defense.

§ 1222.1 General Exports Order M-148—(a) Definitions. For the purposes of this Order:

(1) "Critical material" means any material or product listed on Exhibit A annexed hereto and made a part thereof, or hereafter made subject to this Order by the Director of Industry Operations.

by the Director of Industry Operations.
(2) "Producer" means any person engaged in the production of any critical material and includes any person for whom any critical material is produced pursuant to toll agreement.

(3) "Distributor" means any person who has acquired critical material for the purpose of resale.

(b) Requirements of delivery for export. A producer or distributor receiving a purchase order for critical material covered by a specific export license issued after April 1, 1942, by the Board of Economic Warfare for export to one of the American Republics, shall accept such order and shall make delivery of the material within the delivery period specified in the export license, regardless of preference ratings applicable to deliveries under other purchase orders for such material, unless otherwise specifically ordered by the Director of Industry Operations, or unless such order would

be in excess of any export quota relating to such material previously established for such Producer or Distributor by the Director of Industry Operations.

(c) Reports. Any producer or distributor receiving a purchase order based upon an export license issued as above provided shall promptly send a copy of the purchase order to the War Production Board, Washington, D. C., Ref.: M-148, together with a statement as to the name of the person to whom the export license was issued, the serial number thereof, the amount and kind of materials covered thereby and the delivery date and name of producer or distributor, if any, specified thereby. Such further and other reports shall also be made by any person operating under this order as may be required from time to time by the Director of Industry Operations.

(d) Violations. Any person who wilfully violates any provision of this Order or who wilfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(e) Applicability of Priorities Regula-

(e) Applicability of Priorities Regulation No. 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(f) Effective date. This order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 12th day of May 1942.

J. S. Knowlson,

Director of Industry Operations.

EXHIBIT "A"

### List of Critical Materials Subject to General Exports Order M-148

(The numbers following each item refer to the U.S. Export Classification Code (Schedules B and F), and may be used for more accurate identification and definition of items.)

Commodity	Schedule B No.1
ron and Steel (excluding ferro-alloys and tin plate, q. v.): Pig iron	6065, 6077.05-6077.93.

<sup>&</sup>lt;sup>1</sup>7 F.R. 2630, 3081, 3390. <sup>1</sup>7 F.R. 470, 1732.

<sup>\*7</sup> F.R. 470, 1732 \*7 F.R. 3363.

<sup>47</sup> F.R. 3075.

<sup>57</sup> F.R. 2735, 2868.

### List of Critical Materials Subject to General Exports Order M-148—Continued

Commodity	Echedula B No.3
Iron and Steel (excluding ferro-alloys and tin plate, q. v.)—Continued. Wire:	
Plain	COST and GOSZ.
BarbedOther wire and manufactures	CGS3.
	035, 0050.1, 0050.9, 0057.1, 0057.8, 0053, 0051.01-0051.09, 0052, 0053, 0034, 0035, 004 0053.
Castings Car whoels, tires and axles Forgings	6101, 6102, 6104.1, and 6104.0. 6105.16-6105.18, 6105.25-6105.23, 6105.85-6105.63. 6106, 6107.01-6107.05, 6103.01-6103.03.
Tin Plate Cobalt:	6041.
Metal Oxide	6649.25, 8429.63.
Copper: Copper metal Brass and bronze	1 and £457 and £454 fQ
Copper sulfate	8201 <b>.</b>
Tin (pig and manufactures not including tinplate)	6565, 6565.01-6565.08.
Ferromanganese Ferromolybdenum	6213. 6220. 85.
Molybdenum wire	6631.08.
Ferrotungsten Tungsten metal, wire, shapes, and alloys	l 6689.
Ferrovanadium	1 6220.87.
Acetic acid	l 8316.
Ammonium sulfate Anhydrous ammonia	8505.
Aniline (aniline oil)	1 8925.15.
Camphor————————————————————————————————————	8260.
Castor oil	8111 (Medicinal) 2249.01 (Commercial).
Comptinged	1 (272
Chlorine Copper sulfate Cotton linters Dibutyl phthalate Formaldehyde	8201. ·
Cotton linters	\$004. \$023.93.
Formaldehyde	8320.
Formaldehyde Glycerin Methyl alcohol (methanol) Neat's foot oil	8319.
Neat's-foot oil	0503.
Phenol. Phosphorus (elemental). Phisphorus (elemental). Phisphicus (elemental). Plastics:	8023.87.
Phthalic anhydride	8025.90.
Methyl-methacrylate synthetic resins.	8218.03 and 8261.03.
Urea synthetic resins	8207.98, 8200.07, and 8201.07. 8203.
Phenolic synthetic resins	8255.01, 8260.01 and 8261.01.
Cellulose nitrate plastics	(Not reported separately).
Cellulose acetate plastics	. 8265.05 and 8265.08. 8731.01, 8831.03, 8531.05, and 8731.03.
Methyl-methacrylate synthetic resins. Urea synthetic resins. Alkyd synthetic resins. Phenolic synthetic resins. Cellulose nitrate plastics. Cellulose nitrate plastics. Cellulose acetate plastics. Potash salts. Potassium permanganate. Soda ash. Strontinm chemicals. Sulfuric acid. Sympenhosubate.	823.01, 826.01 and 8201.01. 823.01, 826.03 and 8201.01. 827.08, 820.03 and 8201.03. (Not reported separately). 825.03 and 825.03. 825.03 and 825.03. 831.01, 8331.03, 8331.03, and 8331.03.
Strontium chemicals	8597.82-8597.88.
Sulfurie acid	8309.5 and £209.7.
Tanning materials (chrome)	8239.01.
Toluol Tricresyl phosphate	8011. 8025.91.
Carbon electrodes	.] 6473.01.
Graphite electrodesGraphite, natural amorphous	5473.05. 5472.01, 5472.03.
Graphite, natural amorphous. Rubber, crude and products: Crude and synthetic.	2093.3, 8238.10 and 2001.
Selected products	2014, 2017, 2031, 2034, 2034, 2037, 2033, 2031, 2040, 2042, 2033, 2034, 2034, 2034, 2034, 2034, 2034, 2034, 2033,
Tires—Passenger car casings.	2003, 2003.9. 2002 and 2003.
Tires—Truck and bus casings	2000 and 2003. 4601, 4602, 4604, 4603, 4608, 4010 and 4619.
Belting leather	030.
Belting leather Calf upper leather Sole leather: Backs, bends and sides Sole leather: Other than backs, bends and sides.	. 0004.2, 0305.1, 0305.2 and 0094.1. 0324.
Sole leather: Other than backs, bends and sides	0332.05 and 0332.63.
Rayon	2840.10 and 3840.12; 2830.07.
Aconite	2009.27.
Farm equipment.	0332.05 and 032.23. 3414, 349.20 and 3402. 3840.10 and 3840.12; 3830.07. 209.21. 7143, 7555, 7658, 7650, 7661, 7662, 7694, 7660, 7667, 7663, 7667, 766
Light trucks	7001.05, 7001.93, 7002.05, and 7002.03.
Small electrical heating appliances	7071.05, 7071.65, 7073.05, and 7073.05. 7057.
Electric household refrigerators Fluorspar (metallurgical, acid and ceramic)	i iiii.
Tranium salts and compounds	1 \$598.50.
According coid (conthatia)	8119 68
Ascorbic acid (synthetic) Thiamine hydrochloride	8119.53. 8119.53.
Electric household refrigerators. Finorspar (metallurgical, acid and ceramic). Uranium salts and compounds. Ascorbic acid (synthetic). Thiamine hydrochloride. Sulfanilimide.	8119.33, 8119.23, 8135.23, 8135.29,
Ascorbic acid (synthetic) Thiamine hydrochloride Sulfantlimide Sulfaguanidine Cranes, hoists and derricks Mechanical household refrigerators.	8119.33. 8119.43. 8135.43. 8135.63. 7234, 7235, 7241, and 7242.

<sup>1</sup> Schedule F Number in the case of a few reexport items.

(Export Requirements Unit, Statistics Division, War Production Board)

[F. R. Doc. 42-4290; Filed, May 12, 1942; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1308—SCRAP AND SECONDARY MA-TERIAL CONTAINING NICKEL

AMENDMENT NO. 3 TO REVISED PRICE SCHED-ULE NO. 8 1—PURE MICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, NICKEL STEEL SCRAP, AND OTHER SCRAP MATERIALS CONTAINING NICKEL; SECOND-ARY MONEL INGOT, SECONDARY MONEL SHOT, AND SECONDARY COPPER-NICKEL SHOT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new paragraph (c) is added to § 1308.6, a new paragraph (e) to § 1308.9, and a new paragraph (c) to § 1303.12, and paragraph (a) of § 1303.6 is amended to read as follows:

§ 1308.6 Enforcement. (a) Persons violating any provision of this Revised Price Schedule No. 8 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(c) The provisions of Supplementary Order No. 5 —Licensing, are applicable to every dealer, subject to this Revised Price Schedule No. 8, selling any of the scrap materials set forth in Appendix A (§ 1308.10) to a consumer. "Dealer" shall have the same meaning given to it by Supplementary Order No. 5.

§ 1308.9 Definitions. \* \* \*

(e) "Consumer" includes any person whose business consists in whole or in part of smelting, refining, melting, or otherwise processing any of the scrap materials set forth in Appendix A (§ 1308.10) into a form other than scrap or of having such scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary of a consumer, and any person owned, operated, affiliated with, under common control with, or otherwise controlled by, a consumer, and any person owned, operated or otherwise controlled by an officer, director, partner, or proprietor of a consumer shall also be considered to be a consumer for the purposes of this Revised Price Schedule No. 8.

§ 1303.12 Effective dates of amendments. • • •

(c) Amendment No. 3 (§§ 1308.6 (a) and (c), 1303.9 (e), and 1303.12 (e) to Revised Price Schedule No. 8 shall become effective May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of May 1942.

LEON HENDERSON,

Administrator.

[F. R. Doc. 42-4230; Filed, May 12, 1942; 9:58 a. m.]

<sup>17</sup> FR. 1224, 1836, 2132, 2474, 2818.

<sup>\*7</sup> P.R. 3403.

PART 1309-COPPER

AMENDMENT NO. 1 TO REVISED PRICE SCHED-ULE NO. 12 1—BRASS MILL SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new paragraph (c) is added to §§ 1309.15 and 1309.18, respectively, § 1309.18a is added and paragraph (a) of §§ 1309.15 and 1309.18, respectively, is amended to read as follows:

§ 1309.15 Enforcement. (a) Persons violating any provision of this Revised Price Schedule No. 12 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(c) The provisions of Supplementary Order No. 5 2—Licensing, are applicable to every dealer, subject to this Revised Price Schedule No. 12, selling brass mill scrap to a consumer. "Dealer" shall have the same meaning given to it by Supplementary Order No. 5.

§ 1309.18 Definitions. \* \* \*

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of the foregoing.

(c) "Consumer" includes any person whose business consists in whole or in part of smelting, refining, melting, or otherwise processing brass mill scrap into a form other than scrap or of having such scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary of a consumer and any person owned, operated, affiliated with, under common control with, or otherwise controlled by, a consumer, and any person owned, operated or otherwise controlled by an officer, director, partner. or proprietor of a consumer shall also be considered to be a consumer for the purposes of this Revised Price Schedule No.

§ 1309.18a Effective dates of amendments. (a) Amendment No. 1 (§§ 1309.-15 (a) and (c), 1309.18 (a) and (c) and 1309.18a) to Revised Price Schedule No. 12 shall become effective May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of May 1942.

Leon Henderson,

Administrator.

[F. R. Doc. 42-4279; Filed, May 12, 1942; 9:57 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

MAXIMUM PRICE REGULATION NO. 141—DO-MESTIC RAW SHEARLINGS AND TANNED SHEARLINGS FOR THE ARMED FORCES

In the judgment of the Price Administrator the prices of domestic raw shearlings and tanned shearlings for the armed forces have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of shearlings prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 141 is hereby issued.

AUTHORITY: §§ 1314.101 to 1314.112, inclusive, issued under Pub. Law 421, 77th Cong.

1314.101 Maximum prices for domestic raw shearlings. On and after May 13, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver domestic raw shearlings, and no person shall buy or receive domestic raw shearlings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1314.111; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of domestic raw shearlings to a purchaser if prior to May 13, 1942 such domestic raw shearlings had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1314.102 Maximum prices for tanned shearlings for the armed forces. On and after May 13, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver tanned shearlings for the armed forces and no person shall buy or receive such tanned shearlings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1314.112; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of such tanned shearlings to a purchaser if prior to May 13, 1942, such tanned shearlings had been received by a carrier other than a carrier owned or controlled by a seller, for shipment to such purchaser.

§ 1314.103 Less than maximum prices. Lowen prices than those set forth in Appendices A and B (§§ 1314.111 and 1314.112) may be charged, demanded,

paid or offered.

§ 1314.104 Evasion. The price limitations set forth in this Maximum Price Regulation No. 141 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to shearlings, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1314.105 Adjustable pricing. Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1314.106 Records and reports. (a) Every person making purchases or sales of domestic raw shearlings or tanned shearlings for the armed forces in the course of trade or business after May 13, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer, and the seller, the price contracted for or received and the quantity of each type, grade and finish of such shearlings purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may, from time to time, require.

§ 1314.107 Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 141 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

<sup>&</sup>lt;sup>1</sup>7 F.R. 1234, 1836, 2132.

<sup>\*7</sup> F.R. 3403.

<sup>47</sup> F.R. 971.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 141 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1314.108 Petitions for amendment. Persons seeking any modification of this Maximum Price Regulation No. 141 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1314.109 Definitions. (a) When used in this Maximum Price Regulation No. 141, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Domestic raw shearling" means the untanned skin of a sheep or lamb slaughtered in the continental United States and sold with a wool growth of one

inch or less.

(3) "Tarned shearlings for the armed forces" means tanned shearlings sold to the United States Army, Air Corps, Navy, Marines or Merchant Marine or sold to a person for use in the manufacture of garments for any such agency.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1314.110 Effective date. This Maximum Price Regulation No. 141 (§§ 1314.101 to 1314.112, inclusive) shall become effective May 13, 1942.

become effective May 13, 1942.
§ 1314.111 Appendix A: Maximum prices for domestic raw shearlings. (a)
The prices set forth below are maximum prices per skin for domestic raw shearlings, f. o. b. point of shipment. The maximum prices are gross prices before the deduction of any discounts and include all commissions except as set forth in paragraph (b) of this section.

Maximum	price
Grade pe	r skin
No. 1's (½" to 1")	\$2.15
No. 2's (¼" to ½")	1.90
No. 3's (\%" to \\4")	
No. 4's (bare to 1/8" and clipper cut	
skins less than 1/4" and all shear-	
lings with a wool count of less than	
46's)	.40

(b) When a purchaser of domestic raw shearlings employs a broker or other agent to make a purchase on his behalf, a commission of not to exceed 2½¢ per skin may be charged for such service and added to the applicable maximum price. Such commission shall be payable only if (1) the domestic raw shearlings are

purchased at a price not exceeding the applicable maximum price, (2) it is shown as a separate charge in an invoice or similar document delivered to the purchaser, and (3) the commission is not split or divided with the seller or with an agent or employee of the seller.

§ 1314.112 Appendix B: Maximum prices for tanned shearlings for the armed forces. The maximum prices set forth below are maximum prices per square foot of tanned shearlings for the armed forces. All such prices are f. o. b. point of shipment before the deduction of any discounts and include all commissions and other charges.

	Maximu	m price
Type and finish	per squ	are joot
Type 1-finish 2 (polyacryl	ate base	
plastic finish on flesh sld	le) :	
1" pile		£0.67
¾" pile		. 65
5%" pile		. 62
%" pile		.57
34" pile		.57
Type 1—finish 3 (tanned finis	sh):	
14" pile		.425
%" pile		.03.
Type 2—finish 2 (polyacryl		
plastic finish on flesh sid	ie):	
%" pile		. 525
(TT) - 1	-L #4%	-1

The maximum prices set forth above are maximum prices for No. 1 skins graded according to established trade practice and to meet Quartermaster specifications. The maximum prices for other types, finishes and grades shall be in line with prices set forth above giving effect to the customary differentials.

Issued this 11th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Dcc. 42-4269; Filed, May 11, 1942; 5:10 p. m.]

### PART 1340-FUEL

AMENDMENT NO. 4 TO MAXIMUM PRICE REG-ULATION NO. 112 - PFNNSYLVANIA AN-THRACITE

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new paragraph (d) is added to § 1340.195; a new subparagraph (3) is added to § 1340.200 (a) and a new paragraph (d) is added to § 1340.199a to read as set forth below:

§ 1340.195 Records and reports. • • •

(d) On or before May 25, 1942 and on or before the 25th day of each month thereafter, every producer and distributor of Pennsylvania Anthracite who, during the preceding calendar month, has made any charges for special services shall file with the Office of Price Administration in Washington, D. C. a certified statement showing for such preceding calendar month the nature of each special service, the charge per net ton made therefor, and the aggregate

tonnage sold subject to each such special charge.

§ 1340.200 Appendix A: Maximum prices for anthracite. (a) The following maximum prices are established for anthracite, f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(3) Prepared at the Williamstown breaker of Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley:"

	ice per
Domestic: 7	et ton
Stove	
Egg	7.75
Broken	7.50
Nut	7.05
Pea	5.25
Steam:	
No. 1 Buckwheat	. 3.75
Rice (No. 2 Buckwheat)	3.00
Barley (No. 3 Buckwheat)	. 2.15

These prices shall be the maximum for this anthracite for so long as the present quality and preparation standards are maintained; otherwise, the maximum prices shall be those established by subparagraph (1) of this paragraph.

§ 1340.199a Effective date of amendments. • •

(d) Amendment No. 4 (§§ 1340.195 (d) and 1340.200(a)) to Maximum Price Regulation No. 112 shall become effective May 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this-11th day of May, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4270; Filed, May 11, 1942; 5:11 p.m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PROD-UCTS

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 130 <sup>1</sup>—STANDARD NEWSPRINT PAPER

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The first sentence of § 1347.271 is amended to read as set forth below and a new § 1347.281a is added:

§ 1347.271 Maximum prices for standard newsprint paper. On and after May 11, 1942, in the continental limits of the United States, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver standard newsprint paper, and no person shall buy or receive standard newsprint paper in the course of trade or business, at prices higher than the maximum prices set forth in § 1347.282, Appendix A; and no

<sup>17</sup> FR. 2512, 2739, 2818, 2868.

<sup>27</sup> F.R. 3183.

person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1347.281a. Effective dates of amendments. (a) Amendment No. 1 (§§ 1347.271, 1347.281a) to Maximum Price Regulation No. 130 shall become effective May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4252; Filed, May 11, 1942; 12:06 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

AMENDMENT NO. 2 TO MAXIMUM PRICE REGU-LATION NO. 118 <sup>1</sup>—COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Footnote 10 of § 1400.112 (a) (3) is amended to read as follows:

§ 1400.112 Details required in contract of sale or invoice.

(a) (3) \* \* \*

<del></del>			
<sup>10</sup> For fabrics other than those composed solely of cotton, the cor	nnutatio	on shall	be as
Iollows:			
A. Unadjusted maximum price		ner —	_ 11n1t
B. Cotton differential, per 1b		25.	- 4111
C. Percentage of cotton		1	1
D. Units per lb. at loom		*	
E. Adjustment for cotton (RxC)	<u> </u>	-	
(D)	-		
Maximum price	\$	· per	- unit
For goods consisting entirely of cotton, the computation shall be set	forth in	the fol	llowing
form:	-0-011	_ 040 10.	
Unadjusted maximum price	8	nor	11nit
Units per lb. at loom	- 4	pc. —	_ umi
Maximum price	\$	per —	— unit
2 1400 11E Egetting July 1			

§ 1400.117 Effective dates of amendments. \* \*

(b) Amendment No. 2 (§ 1400.12 (a)) to Maximum Price Regulation No. 118 shall become effective May 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4272; Filed, May 11, 1942; 5:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

GENERAL MAXIMUM PRICE REGULATION: SUP-PLEMENTARY REGULATION NO. 3—EXCLUD-ING CERTAIN SALES AND DELIVERIES OF WOOLEN FABRICS TO THE UNITED STATES NAVY

A Statement of Considerations involved in the issuance of this Supplementary Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that Statement, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to § 1499.9 (a) (16), (b) (8) and (9) of the General Maximum Price Regulation, Supplementary Regulation No. 3 is hereby issued.

§ 1499.30 Exclusion of sales and deliveries to the United States Navy of woolen fabrics specified in requisitions 489, 496 and 497. (a) The General Maximum Price Regulation shall not apply to sales and deliveries which do not exceed the prices set forth in (1) below of woolen fabrics of the specifications set forth therein:

(1) Woolen fabrics required under requisitions 489, 496 and 497 of the United States Navy.

Type:	Price
11 oz. Flannel	\$2.575
16 oz. Melton	3.85
30 oz. Kersey	5.475

(b) Upon request of the United States or any agency thereof, the Administrator, by order, may make further adjustments or exceptions from the maximum prices established by the General Maximum Price Regulation. The provisions of Procedural Regulation No. 1 shall not apply to requests for adjustment or exception made under paragraph (b) of this section.

(c) This Supplementary Regulation No. 3 (§ 1499.28) shall become effective May 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4271; Filed, May 11, 1942; 5:12 p. m.]

### PART 1300-PROCEDURE

TEMPORARY PROCEDURAL REGULATION NO. 2—PROCEDURE FOR THE ADJUSTMENT OF ABNORMAL MAXIMUM RETAIL PRICES UNDER SEC. 18 (8) OF THE GENERAL MAXIMUM PRICE REGULATION

Pursuant to the authority of sec. 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), the following rules are hereby prescribed for the adjustment of the abnormal maxi-

mum retail prices under sec. 18 (a) of the General Maximum Price Regulation: 1

• § 1300.101 Effective date and expiration date. This Regulation becomes effective May 18, 1942. It expires on August 1, 1942 and will be replaced by a permanent procedural regulation.

§ 1300.102 Right to apply for adjustment. Any seller at retail who finds that the maximum price of a commodity or service established for him under the provisions of the General Maximum Price Regulation is abnormally low in relation to the maximum prices of the same or similar commodities or services established for other sellers at retail, and that this abnormality subjects him to substantial hardship, may apply for adjustment of that maximum price in the manner set forth below.

In establishing that his maximum prices are abnormally low, an applicant shall, so far as possible, produce evidence showing to what extent his maximum prices on the particular commodities or services are unusually low as compared with prices established for other retail sellers of the same or similar commodities or services. In any event, he shall produce evidence showing to what extent the maximum price established for his store or service establishment is unusually low as compared with the price customarily charged by his store or service establishment.

In establishing substantial hardship the applicant shall produce evidence showing the loss suffered on the particular commodity or service as a result of the maximum prices established, and the effect of such loss on his overall operations.

§ 1300.103 Form of application. (a) Except as provided in paragraph (b) of this section, an application for adjustment of the maximum price for a commodity shall be made on Form OPA-T-1, set out in Appendix A, incorporated as § 1300.113 of this Temporary Procedural Regulation No. 2, and a separate form shall be filed for each item. Such forms may be obtained from any field office of the Office of Price Administration or from any War Price and Rationing Board, or may be copled by the applicant from Appendix A. An application for adjustment of the maximum price for a service shall be made on a form which will be prescribed by the Office of Price Administration prior to July 1, 1942.

tion prior to July 1, 1942.

(b) Where the abnormality complained of is applicable to most of the commodities or services sold or supplied by a particular store or service establishment or is applicable to more than one store or service establishment owned by the applicant, a single application may be filed for the entire store or group of stores or service establishment or group of service establishments involved. Such application need not be filed on Form OPA-T-1, but shall set forth in detail the nature and cause of the abnormality, the

<sup>17</sup> F.R. 3153, 3158, 3330.

<sup>17</sup> F.R. 3038, 8211.

<sup>17</sup> F.R. 3153, 3330.

extent of the hardship to which it subjects the applicant, and the precise relief requested.

§ 1300.104 Application must be verified. An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall. without charge, administer the oath required by this section.

§ 1300.105 Place for filing applications and number of copies. An original and one copy of an application for adjustment shall be filed with the appropriate Regional Office of the Office of Price Administration. A list of the Regional Offices with an enumeration of the states included in each region is set forth in § 1300.14, Appendix B. Where a single application relates to stores of the applicant located in more than one region, the original and copy of the application shall be filed with the Retail Trade and Services Division, Office of Price Administration, Washington, D. C.

§ 1300.106 Investigation of application by regional office. Upon receipt of an application for adjustment the Regional Office, or the appropriate State or District Office acting under the direction of the Regional Office, shall make such investigation of the facts involved in the application, hold such conferences, and request the filing of such affidavits as may be necessary to the proper disposition of the application.

§ 1300.107 Action by regional office. After due consideration, the Regional Office may grant, in whole or in part, or deny any application for adjustment which is properly pending before it. The decision of the Regional Office shall be accompanied by a statement of the reasons for its action. In cases of unusal difficulty or importance the Regional Office shall refer the application for decision to the Administrator in Washington,

D. C.

§ 1300.103 Review by Administrator. Any applicant whose application for adjustment has been denied in whole or in part by the Regional Office may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed on Form OPA-T-2 set out in § 1300.115, Appendix C. Such form may be obtained from any field office of the Office of Price Administration or from any War Price and Rationing Board, or may be copied by the applicant from Appendix C.

§ 1300.109 Action by Administrator. After due consideration, the Administrator shall grant, in whole or in part, or deny any application for adjustment which is properly pending before him. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

§ 1300.110 Protest of denial of application. Any applicant whose application for adjustment is denied in whole or in part by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1. (7 FR. 971)

§ 1300.111 Amendment of this Regulation. Any provision of Temporary Procedural Regulation No. 2 may be amended or rescinded by the Administrator at any time. Such amendment or rescission shall be published in the FEDERAL REGISTER and shall take effect from the date of its publication, unless otherwise specified therein.

§ 1300.112 Definitions. As used in this Temporary Procedural Regulation No. 2, unless the context otherwise re-

quires, the terms:
(a) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties, including particularly, but not exclusively, the Director of the Retail Trade and Services Division.

(b) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which the particular selling unit or store of the applicant for adjustment is located.

(c) "General Maximum Price Regulation" means the Maximum Price Regulation issued by the Office of Price Administration on April 28, 1942, 32 CFR 1499.1 to 1499.25, inclusive.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Seller at retail" means a seller of any commodity or service who sells commodities or supplies services to ultimate consumers other than industrial or commercial users. Where a seller makes sales or supplies services through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller.

(f) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended. Issued this twelfth day of May 1942.

LEON HENDERSON, Administrator.

§ 1300.113 Appendix A.

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION FORM OPA-T-1

Application for Adjustment of Abnormal Maximum Retail Price of a Commodity

...hcreby makes ap-(Applicant plication to the Office of Price Administration,

pursuant to Temporary Procedural Regulation No. 2, for adjustment of the maximum price of a commodity under Section 18 (a) of the General Maximum Price Regulation iccued by the Office of Price Administration. The applicant represents (a) that the maximum price of the commodity for which adjustment is requested is abnormally low in relation to the maximum prices of the came or similar commodities established for other cellers at retail, and (b) that this abnormality subjects the applicant to substantial hardship.

The following facts are furnished to the Office of Price Administration in support

of this application:

### Description of Store

1.	Name of store
2.	Address of store
	Type of store

(For example: Grocery, apparel, dry goods, general, department, shoe, drug, etc.) 4. Type of Ownerchip\_\_\_

(For example: Independent; national, regional or local chain, cooperative chain, etc.)

5. Type of Service\_\_ (For example: Super-market, cash and carry, cash and delivery, charge and full

:	ervice, cut-rate, etc.)
	6. Monthly dollar cales volume of store for
•	which application is made(Approximate)
•	(Approximate)
L	Description of Commodity
	7. Item 8. Manufacturer's Number
	9. Brand 10. Size or weight
	11. Other identifying information (Include
	such specifications as are available, for
	example thread count, material content)_
•	
	12. Manufacturer: Name
	Address
	13. Supplier of item sold in March, 1942, on
	which Maximum Price was established:
ı	Name Address
,	14 Nonthly deller sales will be a fitter
	14. Monthly dollar sales volume of item
	(approximate)
	Price and Costs
	4F Charata Mantenana D. L.
•	15. Store's Maximum Price
:	(As established by the General Maximum Price Regulation, Federal Register.
•	Title 32, Chapter XI, part 1500, sections
3	1500.1 to 1500.8. inclusive.)
•	16. Net cost 1 of item sold in March, 1942 on
•	which Retailer's Maximum Price was es-
ì	tablished
•	17. Store's Requested Maximum Price
•	19. Not veniceement earth of item today (not

Net replacement cost 1 cf item today (not to exceed Supplier's Maximum Price) \_\_\_

19. Supplier where present price you give as your replacement cost in question 18: Name \_ Address \_

20. Net cost 1 of item on last purchase .

21. Date of last purchase

22. Changes and dates of changes in store's retail price of item since December 1,

23. If maximum price of item is lower than prices charged by store from December 1, 1941 to February 23, 1942, explain why \_\_\_\_

<sup>1</sup>In statements of net cost indicate separately all terms of sale: invoice cost; freight charges if paid by retail store; cash, trade and quantity discounts; free deals; extras; etc.

<sup>17</sup> F.R. 3153, 3330.

<sup>\*</sup>Two copies of this form must be filed. A separate form should be filed for each

Prices of Five Most Closely Competitive Sellers of the Same Class<sup>2</sup>

(If store cannot give prices of five closely competitive sellers of the same class indicate why this is not possible and give prices for as many as possible.)

Competitor's Maximum Price on same or Identification similar of Item Name Address Lot No., etc. 25.\_\_\_\_\_

<sup>2</sup> "Most closely competitive seller of the same class" means a seller (1) performing the same function (retailing), (2) of similar type (for example, department store, mailorder house, chain store, specialty shop, cutrate store), (3) dealing in same type of commodities, (4) selling to same class of purchasers, (5) closely competitive in the sale of such commodities, and (6) located nearest to the seller.

### General Comments

(Indicate here or on additional sheet if necessary any other pertinent facts which tend to support argument that your price is abnormally low and causes substantial hardship.)

> Signature (Applicant)

> > (Title)

Affidavit

State of \_\_\_\_\_ County of \_\_\_\_\_, ss:

The undersigned, \_\_\_ being first duly sworn according to law, on oath deposes and says: that he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

(Signature)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_ A. D. 194\_.

Officer Administering Oath.

§ 1300.114 Appendix B.

Regional Offices and States covered

Region I. Boston Regional Office, 17 Court St., Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Region II. New York Regional Office, 350 Fifth Ave., New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of

Region III. Cleveland Regional Office, 363 Union Commerce Building, Ohio, Michigan, Indiana, Kentucky, and West Virginia.

Region IV. Atlanta Regional Office, Can-Region IV. Atlanta Regional Office, Candler Building, Peachtree Street, Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina, and Virginia, Region V. Dallas Regional Office, Fidelity Union Building, Texas, Oklahoma, Louislana, Missouri, Arkansas, and Kansas.

Region VI. Chicago Regional Office, 2301 Civic Opera Building, 20 North Wacker Drive, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

Region VII. Denver Regional Office, 334 U. S. National Bank Building, Colorado, New Mexico, Utah, Idaho, Montana, and Wyoming. Region VIII. San Francisco Regional Office, 1355 Market Street, California, Nevada, Ari-zona, Oregon, and Washington.

Territorial office and territories covered

Region IX. Territorial Office, Office of Price Administration, Washington, D., C., Alaska, Puerto Rico, Virgin Islands, Canal Zone, Hawali, and Philippine Islands.

### § 1300.115 Appendix C.

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

(To be filed with the appropriate Regional Office)

### Form OPA-T-2

Request for Review of the Order Denying Application for Adjustment

\_\_\_, an applicant for adjustment of a retail maximum price, pursuant to Section 18 (a) of the General Maximum Price Regulation and Temporary Procedural Regulation No. 2 of the Office of Price Administration, hereby requests the Price Administrator, Washington, D. C., to review an order of denial of such application for adjustment entered by the \_\_ Regional Office and mailed to the applicant on \_\_\_\_\_\_\_\_, 194\_.

The applicant's objections to such order of

denial are as follows: \_\_\_\_\_\_(Applicant should state briefly and concisely, and separately number, his objections.)

(Applicant) Ву \_\_\_\_\_

[F. R. Doc. 42-4306; Filed, May 12, 1942; 11:56 a. m.]

. (Title)

### PART 1340-FUEL

AMENDMENT NO. 12 TO REVISED PRICE SCHED-· ULE NO. 881—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1340.159 (c) (1) Oklahoma is amended to read as set forth below and a new subdivision (v) is added to § 1340.159 (c) (1) as follows:

- § 1340.159 Appendix A: Maximum prices for petroleum and petroleum products. \* \* \*
  - (c) Specific Prices-
  - (1) Crude Petroleum: \* \*
- (iv) Oklahoma. The maximum price at the well for crude petroleum of 40°
- <sup>1</sup>7 FR. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116.

gravity and above, determined by the American Petroleum Institute method, produced in Carter County, in that portion of the Tussy Field located in Garvin County, and in the Healdton and Oscar Pools in Oklahoma shall be \$1.25 per barrel with the customary differentials for lower gravity crudes.

(v) New Mexico. The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in the Loco Hills Area of Eddy County, New Mexico shall be \$1.12 per barrel with the customary differentials for lower gravity crudes.

§ 1340.158a Effective dates of amendments.

(1) Amendment No. 12 § 1340.159 (c) (1) (iv) and (v) to Revised Price Schedule No. 88 shall become effective May 13, 1942.

(Pub. Law, 421, 77th Cong.)

Issued this 12th day of May 1942. LEON HENDERSON, Administrator.

[F. R. Doc. 42-4307; Filed, May 12, 1942; 11:56 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

SUPPLEMENT NO. 1 TO RATION ORDER NO. 5 1-EMERGENCY GASOLINE RATIONING REG-

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942 and by Supplementary Directive No. 1 H, issued May 11, 1942.

It is hereby ordered, That:

§ 1394.101 Designation of unit value in gallons of gasoline. (a) The value of a unit on gasoline ration cards Class A, B1, B2, and B3 is hereby designated and fixed as:

- (1) Three (3) gallons of gasoline with respect to a gasoline ration card issued and used for a motor vehicle (other than a two or three wheeled vehicle) or an inboard motorboat;
- (2) One and two-tenths (1,2) gallons of gasoline, with respect to a gasoline ration card issued and used for a two or three wheeled motor vehicle.
- (b) This Supplement No. 1 (§ 1394.101) shall become effective May 15, 1942, and shall continue in force and effect until amended by further order or direction of the Office of Price Administration. (Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1 H, 7 F.R. 562, 3478)

Issued this 12th day of May 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4305; Filed, May 12, 1942; . 11:56 a. m.]

<sup>17</sup> F.R. 3482.

### TITLE 35-PANAMA CANAL

### Chapter I-Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

AMENDMENT RELATING TO INFORMATION CARDS FOR DISELIBARKING PASSENGERS

Section 4.20b of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 4.20b Information cards for disembarking passengers. One copy of an information card (Panama Canal form) is required for each passenger proposing to disembark at a Canal Zone port, except that no such card is required for a Panamanian citizen. This card shall be filled in on the typewriter before arrival at the Canal, shall be signed by the passenger in the presence of the quarantine boarding officer and be presented to that officer. (Rule 12, E.O. 4314, Sept. 25, 1925 (§ 4.22)) [Reg. 12.3, Regs. Gov., Aug. 1, 1931, as added Dec. 1, 1939, effective Jan. 1, 1940, and as amended May 6, 1942]

GLEN E. EDGERTON, Governor.

[F. R. Doc. 42-4281; Filed, May 12, 1942; 10:17 a. m.]

### TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B-Carriers by Motor Vevicle

PART 203—PRESERVATION OF RECORDS

CLASS I MOTOR CARRIERS—PRESERVATION OF RECORDS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of April, A. D. 1942.

The matter of the determination under section 220 of the Interstate Commerce Act of the period of time during which accounts, records, memoranda, documents, papers and correspondence shall be preserved by Class I motor carriers being under consideration:

It is ordered, That the Regulations to Govern the Preservation of Records of Class I Motor Carriers, and the text pertaining thereto hereafter known as Issue of 1942, a copy of which is now before the Commission, be, and they are hereby, approved.

It is further ordered, That the said regulations be, and they are hereby, prescribed for the use of Class I motor carriers subject to the provisions of Part II of the Interstate Commerce Act, in the preservation of the accounts, records, memoranda, documents, papers and cor-

respondence; and that a copy of this order and of the said regulations be sent to each Class I motor carrier and to each receiver, trustee, executor, administrator or assignee of such motor carrier.

It is further ordered, That the order of August 3, 1936, and the regulations thereby prescribed insofar as they relate to Class I motor carriers be, and they are hereby, vacated and set aside.

It is further ordered, That this order shall become effective on July 1, 1942.

By the Commission, Division 1.
[SEAL] W. P. Bartel,
Secretarii.

203.300 General. 203.301 Destruction authorized. 203.302 Photographic copies. 203.303 Officer having supervision of destruction. Written authority of officer having 203.304 supervision of destruction. Certificate of destruction. 203.305 203.306 Cremation committee for the destruction of certain records. 203.307 Method of destruction. 203,308 Accidental destruction of accounts, records, and memoranda. 203,309 Duplicate accounts, records, and memoranda. 203.310 Nonoperating companies. 203.311 List of accounts, records, and memo-rando, and periods of retention.

AUTHORITY: §§ 203.300 to 203.311, inclusive, issued under sec. 220 (d), 49 Stat. 563, 54 Stat. 927; 49 U.S.C. 320 (d).

§ 203.300 General. The regulations in this part, issued and prescribed under authority of section 220 (d) of the Interstate Commerce Act require that all Class I common or contract motor carriers of passengers or property or both shall preserve their accounts, records, memoranda, documents, papers and correspondence for the periods of time herein prescribed. (See § 203.311)

It is not intended that these regulations shall be interpreted as requiring that the records herein named shall be installed, when such records are not already kept by Class I motor carriers.

§ 203.301 Destruction authorized. Class I motor carriers may destroy the accounts, records, and memoranda named in §203.311 (other than those marked "Permanently") at their option after having preserved them for the specified periods of time and upon complying with the requirements of these regulations. These regulations do not exempt motor carriers from compliance with any other lawful requirements for the preservation of books, accounts, records and memoranda for longer periods than those herein prescribed.

§ 203.302 Photographic copies. Class I motor carriers may be granted authority to preserve photographic copies of records in lieu of original records or copies thereof. Application for authority shall be filed in the form of a letter which shall describe the particular records intended to be preserved by this method and the process to be used.

§ 203.303 Officer or person having supervision of destruction. (a) An officer or, where necessities require, two officers, shall be appointed by the Board of Directors to have supervision of the destruction of accounts, records, and memoranda. Class I motor carriers operated as sole proprietorships or partnerships shall appoint a person to have supervision of the destruction of accounts, records, and memoranda. Such officer or officers or other person may be given (1) general supervision of the destruction of all accounts, records, and memoranda the destruction of which is permitted by these regulations, or (2) authority over the destruction of such of these accounts, records, and memoranda as may be specified by the Board of Directors, the sole proprietor or partners. Pending action by the Board of Directors, an appointment by an executive committee, or by a similarly authorized committee of the Board of Directors, shall have the same effect as if made by the Board of Directors.

(b) If the property of a Class I motor carrier is in the hands of a receiver or operating trustee, the officer or officers or other persons, to have supervision of the destruction of accounts, records, and memoranda shall be designated by the receiver or trustee.

(c) In designating an officer to have general supervision of the destruction of accounts, records, and memoranda it would be preferable to designate by title only, rather than by name and title, and thus obviate the necessity of filing a new resolution each time a successor in the office is appointed.

§ 203.304 Written authority of officer having supervision of destruction. (a) When any accounts, records, or memoranda are to be destroyed, except those for which an optional period is specified, an officer or other person having supervision of the destruction of accounts, records, or memoranda (as designated in compliance with § 203.303) shall issue a written authority to the person or persons by whom the accounts, records, or memoranda are to be destroyed. This written authority shall state in a formal manner:

First. The person or persons whose duty it shall be to destroy the accounts, records, or memoranda named;

Second. A list of the accounts, records, or memoranda to be destroyed, expressed either in form numbers or by descriptive titles; and

Third. The period or periods covered by the accounts, records, or memoranda the destruction of which is authorized.

(b) The authority (1) may be confined to certain accounts, records, and memoranda which have been retained for the periods of time specified in these regulations and which the carrier then desires to destroy, or (2) may be of continuing effect, applying to any or all of the accounts, records, and memoranda named herein as the periods of retention of such accounts, records, or memoranda attain the limits specified herein.

(c) Such written authority, or a certified copy thereof, shall be filed in the office of the issuing officer or other person issuing the authority as a permanent part of the carrier's records. It is not required at present that copies of the writ-

¹ Class I motor carriers are those which have average gross revenues of \$100,000 or more per annum as further defined in the Commission's orders of November 29, 1937, prescribing Uniform Systems of Accounts for Class I motor carriers of property and of passengers.

ten authorities be filed with the Com-

§ 203.305 Certificate of destruction.
(a) The person or persons upon whom devolves the duty of the direct supervision of the destruction of the accounts, records, or memoranda under the authority referred to in § 203.304 shall make certificate (except as provided for in § 203.305 (d) and § 203.308) setting forth that the accounts, records, or memoranda listed in the said authority have been destroyed and that no other accounts, records, or memoranda than those so listed have been destroyed therewith.

(b) If an authority as referred to in § 203.304 (b) (1) is given, a certificate of destruction shall be made listing either by form numbers or descriptive titles the accounts, records, and memoranda destroyed, naming the period or periods covered by the accounts, records, or memoranda, and stating that no other accounts. records, or memoranda than those so listed have been destroyed therewith. Either (1) a separate certificate shall be made each time any account, records, or memoranda are destroyed, or (2) cumulative certificates shall be made with entries each time any accounts, records, or memoranda are destroyed.

(c) Certificates of destruction shall be forwarded promptly to the officer having supervision of the destruction of accounts, records, and memoranda who issued the written authority and shall be retained in his office as a permanent part of the company's records. In case-cumulative certificates are made they shall be forwarded to such officer periodically, but at least once every six months. It is not required at present that copies of the certificates of destruction be filed with the Commission.

(d) Certificates of destruction need not be made for accounts, records, and memoranda, the destruction of which is optional with the carrier.

§ 203.306 Cremation committee for the destruction of certain records. At the option of the motor carrier, the Board of Directors may from time to time name a cremation committee to destróy canceled stock certificates, bonds, or other records, covered by item 6 of § 203.311 in lieu of delegating the authority for the destruction to an officer, as provided in § 203.303 (a). Certificates of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons appointed by the officer having supervision of the destruction of records or by the cremation committee. When documents represent debt secured by mortgage, the certificates of destruction shall also be authenticated by representatives of the trustees acting in conjunction with the cremation committee or shall have the trustees' acceptance thereon.

§ 203.307 Method of destruction. (a) The precise method of the destruction of accounts, records, or memoranda is not prescribed. The Commission is not concerned with the method of destruction whether by fire, sale, or otherwise, so long as the destruction is authorized and a certificate of destruction is filed as required by these regulations.

(b) If the accounts, records, and memoranda are not actually destroyed by the carrier, but are disposed of by sale or otherwise, the certificate of destruction shall so state. Attention is called to section 222 (e) of the Interstate Commerce Act which provides that a carrier shall not divulge to any person information concerning the business of a shipper or consignee which may be used to the detriment of such shipper or consignee. Responsibility for possible infringement of this provision of the law by disposing of its records by other than actual destruction would rest with the carrier.

§ 203.308 Accidental destruction, of accounts, records, and memoranda. any accounts, records, or memoranda are destroyed accidentally by fire, flood, or other calamity, a statement shall be prepared listing as far as may be possible the records destroyed and detailing the circumstances in connection with the fire or other calamity. This statement shall be authenticated by an officer or some responsible employee of the motor carrier or broker and shall be filed with the officer or other person having supervision of the destruction of accounts, records, and memoranda. A copy of the statement shall be filed promptly with the Commission.

§ 203.309 Duplicate accounts, records, and memoranda. Provision is made in item 124 of § 203.311 for the optional destruction of duplicate copies of accounts,

records, and memoranda when such copies are not specifically provided for elsewhere in these regulations and when they contain no information not shown on the originals. In destroying such copies carriers may dispense with the written authorities and the certificates of destruction. The attention of carriers is specially directed to the requirement that the originals (or one true copy) shall be retained for the respective periods named for such records in the regulation.

§ 203.310 Nonoperating companies. A company, individual or partnership owning or controlling motor carrier property which it does not operate but which it leases to others for operating purposes shall observe these regulations in case it desires to destroy any of its corporate or financial accounts, records, or memorande

§ 203.311 List of accounts, records, and memoranda, and periods of retention. The following list, indicative of accounts, records, and memoranda of motor carriers is specifically referred to by the regulation embodied in § 203.301. The classification of the accounts, records, and memoranda enumerated below under the various general headings is merely for convenient reference and is more or less arbitrary. The regulations are intended to apply to the items as named or described, regardless of the classification and regardless of where filed.

Item	Description of records, etc.	Period to be retained
_	GENERAL AND FINANCIAL	*****
´ 1		Permanently.
2	and other meetings. Code and cipher books, file copies of	Permanently.
8	(a) Capital stock ledger (b) Capital stock certificates, records of or stubs of Note.—If the information shown on the stubs described in this item 3 (b) is recorded in permanent records the stubs are required	Permanently. Permanently.
	to be retained only for a period of three years.  (c) Stock transfer register.  (d) Memoranda and bills of sale or of transfer of capital stock.  (e) Capital stock subscription notices and requests for allotment.	Permanently. 3 years. 3 years.
`4	(f) Canceled capital stock certificates (see item 6).  Bond records:	<b>♡</b>
- 1	(a) Registered bond ledger. (b) Records or stubs of bonds. Nork.—If the information shown on the stubs described in this item 4 (b) is recorded in permanent records the stubs are required	Permanently. Permanently.
	to be retained only for a period of three years.  (e) Memoranda and bills of sale or of transfer of registered bonds.  (d) Records of interest coupons paid and unpaid	3 years. 7 years atter payment. 3 years.
ð	(See item 6.)  Corporate elections:  (a) Proxies of holders of voting securities	Optional.
6	(i) Judges' reports of election results	2 years.
	Stock certificates, bonds, notes, interest coupons, receivers' cer- tificates, and temporary certificates taken up and canceled.	May be destroyed at option of carrier upon complying with requirements of § 203.305 (a).
	Ledgers:  (a) General and auxiliary ledgers and indexes thereto, except as provided for elsewhere in these regulations. (b) Relarge sheets of experal ledgers.	Permanently.
8	Record of securities owned:	Termanentiy.
9	Record of securities owned, in treasury, or with custodians	I Permanently.
10	General and auxiliary cash books, except cash books at agencies provided for in item 104.  Nore.—If any receipts or payments are entered in the aggregate in the general cash book and are detailed only on loose sheets, such loose sheets constitute an auxiliary cash book when no other permanent record of the items thereon is made.	Permanently.
11	Journal entries:  General journal entries and supporting papers except as provided for elsewhere in these regulations.	Permanently.

Records of freight revonue:  Journals, ladgers, or other records summarising the debits and credits asking from freight settlements with agents, drivers, and others, and from interline settlements with other carriers such as recapitulity on freight believers, and others, and freight settlements.  Intelling freight settlements:  Intelling freight settlements:  The statements of the settlements of the freight settlements of the freight settlements.
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22) Accorded of each low collections and folion sales: Columnia, Jedgers, or other records of each fare collections and token cales, etc., on buce.  Records of annity revenues. Records of columnia, fedgers, or other records, details, or summarks arising from cettlements with agents and others of execes-bagging.
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Distribution of labor expenditures:  Journals, Raigers, or editor receive showing the detailed dietribution of laborates relatives charged to all occamics, including memorandum and memoranda receivements and memoranda receivements. (See Receive and receive and received to all receivers.)
(a) According to the Control of the
Acsiminents, attachments, and grantsiments of payrolls
15 Labor recards:  Time books, time slip  Work orders, job tick ing to gravites of a
Distribution of expenditures for material and supplies: Journals, beligans, or other records and amenemial showing the dealight distribution of expenditures for materials and supplies chartechlo to all accounts, including memoranda receptivishation affects. (See Item 30 for construction material and supplies.)

(a) Rogister of audited vouchers and indexes thereto					Feriod to be retained
(b) Fald drafts, pald cheeks, and recept as provided in items 37  (c) Fald and canceled outbers, and and supporting papers accept 1/6 or construction of property (see or construction of property (see of index of vonchers to be station agents, and others.  (f) Reports of Inits called by 61  (g) Reports of Lists containing authorities for partition agents, and others to hills collectible.  (g) Reports of Lists contained by 61  (g) Reports of Lists called by 61  (g) Reports of bills called by 61  (h) Audit office copies of bills tsued of hit papers which do not accomnote under item 100.  (e) Periodical statements of unsetti balance sheets.  (g) Records, roberts, statements, and details of ludividuals and callis property records.  (g) Records, roberts, statements of property.  (h) Records, and neuromonds pertaininments, and replacements for property across a short and callis property across a short and callis of individuals and callis monts, and roplacements of property.  (g) Records, roberts, statements of property across and neuromontal pertaininments, and replacements of property.  (g) Records, roberts, and an expension of contracts and other agreements of property.  (g) Plans, specifications, estimates of ing studies, construction bids, and grain across and contracts and relations, callinates of ing studies, construction bids, and grainst carleds, construction bids, and condition and bettermont and connection with the recording contracts and chert statements of employered significations of the substantiating papers and other call and contract of the carled of percoral injury, fire, and other call and contract of the carled of percoral injury, fire, and other call and contract of an other views and statements of cubery and statements of cubery and statements of cubery and statements of cubery of cubery of an or othe				TRAFFIC	
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38 Bills collectible:  (a) Register of bills collectible (or and finders threated.  (b) Audit office copies of bills issued in papers which do not accoming papers which do not accoming the papers which a property secords:  (a) Records of all dobits and ceditis property, such as labor and macples of individuals and confirmation of property, such as labor and copies of individuals and confirmation of property.  (b) Records and memorands perstaint into tokets, work orders, bb the requisition, or sale of property.  (c) Reast specifications, estimates of ing studies, construction bids, as ing to addition and bettermont put into accounts.  (c) Plans, specifications, estimates of ing studies, construction bids, as ing studies, construction bids, as ing the accords and related and connection with the recording faulties, present injury, fire, and other claims of or confirmation to converte by (a) shore,  (c) Claim bases constituting a dupil and substantiating papers and other claims or voulers.  As Records of the and other damages to property of other support claims or voulers.  Records of personal lajury;  Records of the and statements of employered and statements of employered substantiating papers are directed to thereview to support claims or voulers.  Records of personal lajury;  Records of the and statements of cubics of personal lajury;  Records of the and statements of cubics of personal lajury;  Records of the enter statements of cubics of personal lajury;  Records of the enter statements of cubics of personal lajury;  Records of the enter statements of cubics of personal lajury;  Records of the enter statements of cubics of personal lajury;  Records of the enter statements of the enter short damages to property or other statements.	to mode with actorion of	3 years. 1 year.			May be destroyed at option of carrier after expiration or cancellation.
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Proporty records and defaults of all dobbits and cerdits details of all dobbits and cerdits property, such as labor and modernly records, roporty, such as labor and momental pertaining the object, such as labor and momental pertaining the office individuals, and similar records.  (b) Records and memorands pertaining the configuration of property.  (c) Plans, specifications, estimates of ing studies, construction hids, and ing studies, construction hids, and put into oxecution.  (c) Plans, specifications, estimates of ing studies, construction hids, and put into oxecution.  (d) Plans, specifications, estimates of ing studies, construction hids, and put into oxecution.  (d) Palans specifications, estimates of ing studies, present of about a bandoned.  (d) Palan registers.  (e) Potient records and related data  (e) All papers and others for particle, and others of a gainst carriers, and others for particle, are fill and separately or attache so the papers and statements of employees overged by (s) above and statements of employees and statements of employees. The constant of th		Optional.		(I) Writton requests on earfor from persons and companies for a quotations of rates and copies of carrier's quotations.  (g) Copies of concurrences and powers of attenues alled with 4 the Trierston Commerce of Commerce of Statemers and With 4 the Trierston Commerce Commission and with 6 the companies of the Commerce Commission and with 6 the Commerce Commission and companies of the Commerce Com	3 years. 4 years after cancellation.
(a) Records, roports, such as abordance, and details of all doblts and cacdita property, such as a labor and macoples of individuals and confirm through the such and reproducts, work orders, lob the requisitions, and since and confirm through or said similar records.  (b) Records and monoranda pertaining the antiques, castinates of ing studies, construction bids, and put labo accultions, estimates of ing studies, construction bids, and put labo accultions, estimates of ing studies, construction bids, and put labo accultions, estimates of ing studies, construction bids, and put labo accultions, estimates of the studies, construction bids, and put labo accultions, estimates of laborated and studies, personal military, fire, and collect acculting a details of a connection with the recording control of the substantiating overcland and papers.  (c) Claim papers.  (d) Claim selectors, card or book ind conversed by (a) according to a trache of the papers.  (e) Claim bases constituting a dupil are all papers and other claims or vouchers.  Records of the camport claims or vouchers.  Records of the substantiating papers are directorial papers and statements of cupiloyre or otherwise to support claims or vouchers.  Records of personal laiury.  Records of personal laiury.  Records of the claims or vouchers.  Records of the claims or vouchers.  Records of unclaimed or papers. And reflected the papers. Reports and statements of cupiloyre dama or other dama or other dama or other dama or other dama.  The records of the claims or vouchers.  Records of unclaims or vouchers.  Records of unclaims or vouchers.  Records of unclaims or vouchers.  The record of meaning and recording the papers. And other claims or vouchers.  Records of unclaims or vouchers.  The record of unclaims or vouchers.  Records of unclaims or vouchers.  The record of unclaims or vouchers.  The record of unclaims or vouchers.	oraci atta novamona or name	- Optionalis		(h) Authorities for the transportation of property, free or at ro-	4 years.
(b) Records and memoranda pertaining months and repulsitions, and similar records.  (a) Contracts and other agroemants or acquisition, or sale of property.  (b) Plans, specialisticals, estimates of ling studies, construction luda, and ing to addition and betterment put labo excention.  (c) Plans, specialistical, estimates of ling to addition and betterment ing to addition and betterment anadoned.  (d) Pations records and related data  (d) Chaim registers, card or book ind connection with the recording damage, personal injury. Her, a gainst carriers.  (e) Chaim registers, and other sor particip, carriers, and others for particip, carriers, and others for particip, carriers, and others for particip, and file suppares substantisting overchane on the suppare substantisting papers are filed softward 36 (h).  (b) All papers substantisting overchane on the suppare substantisting a dupil substantisting papers are filed earlier.  (c) Claim bases constituting a dupil substantisting papers are filed carrier.  Records of the substantisting papers are filed carrier.  Records of the substantisting regarding precessor of the substantisting papers are filed carrier.  Records of the substantisting regarding precessors of the substantisting substantisting or otherwise to property of other support stantisting or vouck and statements of carrier.  Records of the claims or vouckers.  Records of personal injury:  Records of personal injury:  Records of personal injury:  Records of medianes, regarding preceded of the claims or vouckers.  Trecers, reports, and other demay or vouckers.  Trecers, reports, and other demay or vouckers.  Trecers, reports, and other demay or vouckers.	nd memoranda showing tho its on account of the cost of material distribution sheets, ampanies' bills, time books, tickets, check rolls, material	Pormanontly.			4 years after cancellation of tariff, etc.
d) Plans, specifications, estimates of ing studies, construction bids, and ing studies, construction bids, and ing the studies, construction bids, and ing to addition and bettermont put into oxecution. estimate of ing studies, construction bids, and ing to addition and bettermont abandoned.  (f) Patlent records and related data  (g) Claim registers, card or book ind connection with the recording damage, personal injury, fire, against carriers.  (h) Records showing the details of a carriers, and others for participation of the connection with the recording and injury, fire, and other call and Stiff.  (h) All papers substantisting overchan are filled supparable of the condaint of the construction of the condaint of the cond	ds. Ining to depredation, retire- operty. i relating to the construction,	Pormanontly.	æ		Optional.
(c) Plans, specifications, estimates of ing studies, construction bids, are ling to addition and bettermont abandoned.  (f) Patient records and related data  (d) Claim registers, eard or book ind connection with the recording damage, personal injury, fire, a galaist carriers.  (e) Claim stepters, and others for participation to converd substantiating overchan sonal injury, fire, and others of participation for the papers.  (e) All papers substantiating overchan sonal injury, fire, and other call are filled suparately or attached of the papers and seed and sonal injury, fire, and other call of converd by (a) above.  (e) Claim bases constituting a duplication to converd by (a) above.  (e) Claim bases constituting a duplication of the converd by (a) admages to project of other support claims or vouchers.  Records of fire and other damages to project and other claims or vouchers.  Records of fire and statements of campioyres and statements of campioyres and statements of campioyres or otherwise to property of other support claims or vouchers.  Records of presonal injury.  Records of the call and reflected the support claims or vouchers.  Records of contraction of statements of calmins or vouchers.  Records of contraction of statements of calmins or vouchers.  Records of contraction of statements of calmins or vouchers.  Records of contraction of statements of calmins or vouchers.  Records of contraction of statements of calmins or vouchers.  All records of contraction of contraction of statements of calmins or vouchers.  All records of contraction of contraction of statements of calmins or vouchers.  All records of contraction of contraction of contraction of contractions or contraction of contractions or contraction of contractions of contractions or contracti	of work, records of ongineer- on similar records portain- nt projects which have been	Pormanontly.	<b>4</b>		4 years.
(f) Patient records and related data  (g) Claim registers, card or book hid connection with the recording damage, personal injury, fire, a gainst carriers.  (h) Records showing the details of ou carriers, and others for participation of the superatory of the sparticipation of the superatory of the sparticipation of the superatory or attached are filled separatory or support claims or vouchers.  13 Records of the and other damages to properly or otherwise to property of other support claims or vouchers.  14 Records of personal injury:  15 Reports and statements of employees are statements of employees and statements of employees or otherwise to support claims or vouchers.  16 Records of personal injury:  17 Trecers, reports, and other damages to records of unclaimes or vouch are seconds.  18 Records of personal injury:  18 Records of personal injury:  19 Records of personal injury:  20 Contact short, damage to records of unclaimes or vouch are seconds.	of work, records of enginear- and similar records portain- nt projects which have been	0 years.	ಜ ಜ		Optional,
		Permanently.			Optional.
				(c) Requisitions and receipts for thekets, tokens and cash fare 3 receipts for thekets, tokens and cash fare 3 receipts for thekets, tokens and cash fare 3 receipts furnished agents and drivers.	s years. 3 years.
	<del></del> _	6 yeats.		(d) Bulleths of tickets lost or stolen.  (e) Records and files pertaining to the extension of time limits 3 of tickets, granted.	Optional.  3 years.
		6 years.	22	(I) Accords and these perfatining to the extension of time limits of of tilesets not granted.  Baggago chieck records:	Optional.
		4 years after settlement or rejection.		(a) Record of bases of two practices of the state of the	3 years.
<del></del>		Optional,			Optional.
		4 years.	3	Tickets and cheeks:  (a) Used and canceled tickets, cash fare slips, cheeks, etc., the reports of which, showing their sale or issue, have been	Optional.
		3 years.		author (except as provided for the fickets in item is 1)) as follows: as follows: cash fare silps upon which the name of the user does	
		3 years.		not appear. Extra fare tickots Ferry fictors	
to strangett claims or conchars		3 years.		Berth cheeks. Sest cheeks. Conmutation and trip ttekets.	
43 Sales or support trainers of translatined, damaged, and refused height.		6 years.		Meal cheeks. Bridge toll tickets. Exchange bus tickets. Validation pasters when attached to any of the above tickets.	

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Item	Description of records, etc.	Period to be retained	Itom	Description of records, etc.	Period to be retained
ន	Tiokot		8	runghabes and stores—continued Manufactural stock:	
	(b) Used the absoluted theirets, etc., the ropports of which, a showing their sake of issue, have been audited (except as provided for free telefests in item 70(f)) as followes:  Drowney and round-trip mescenter two theels much	Optional,	19	rdors or requisitions for the manufacture of stock	3 yours. 6 yours.
	which the name of the user is shown. Propule orders. Exchange orders.				6 years, 6 years,
	Validation pasters when attached to any of the above tickets, stop-over pasters				d years,
	(c) Used milenge books and sarip books on which the name of user is shown and passenger-fave credentials, tho reports of which showing their sale or issue have been audified; sou-	6 months.	62		3 years.
	pons, auditors' stubs, contract portion signed by pur- chest and other detachments from such books on which transportation has been restormed, and identification	-	នន		3 years.
	silps required by the conditions of any of these tlekets.  (d) Used milespo bodes and terrip books on which the mann of the party is the party of th	Optional,		(a) Certillodica find test data on new tank motor vehicles used 3 transport inflammable liquids, corrective liquids, compressed grees or liquid poleons.	3 years after relirement or disposition.
	calo of feath and the defections from such books on which the component of		- 6		3 years after retirement or disposition. 3 years after retirement or disposition.
	(o) Uzed bargrago chrecks, parcel room cheeks, storago cheeks, care some cheeks, car	Optional.	3 8		3 years after retirement or disposition. 3 years after retirement or disposition
	(A Unuged or unicated thekets, if record is kept in accordance	Optional,	58	at of cervice.	of vehicle.
	(g) University and the second of the second of the second of with the second of the se	Optional.			
	(b) Redeemed flekels, redeemed mileage and cerip book covers, if not attached to paid cheeks or vouchers.	6 months.	ß		d years.
	(1) Refreemed portlons of others, each fare and duplex tlekets, If not attached to paid cheeks or venebra: (3) Redeamed and canceled orders found by driven for refund	6 months.	2 2	Inspection records: Refrort of confidence of	3 years.
	of extra fares accessed on extra-fare buses; if not attached to paid checks or vouchers.			-	) years.
23	74 Mccord and reparts of Holes relected	3 years.	ĸ		54004
ន	Makerial tederm: renctiables and propies		*		d years.
1	(0) Recrit of makerial and empike on hand	6 years. 3 years.			d years. A norm offer explesion or ennesholon.
5			22	Records and reports pertaining to embarges, congested traffe, and	a year and capacidate et concessione. I year
	(b) Investors for materials and supplies purchased not allocated to vanchers or prid cheeks (e.g. flem 37) and records or	o years.	10	cimilar motices. Imployeest time-tabless (o) Officed file of campovess time-tables	HCM.
	there's or each inverse except these relating to construc- tion of property (for the new year).  (c) Bids and offers for the cale of purchase of material and sup-	375316	*	(b) Receipts for time-tables. Vehicle medicints:	Optional,
	(d) Contracts for the purches of eals of materials and supplies. (c) Advices or requisitions from storylespers and others for the		85	(b) Reports of newdlents by diverse or others.  (c) Reports of needlents by diverse or others.  Records of Journal of Gardiners of Journal of Sandaners.	Stars. Stars.
	(f) Frequency of materials and supplies. (g) Reports of egrap on hand seem of the seem of		2	Recertls of hours of services of transportation employees (see Item   3) and (0) for pipers of hours of service.)  Preservand free linears	rears.
1	(1) Authorities for the sale of serap and other material and sup- (1) Pries records of purchases, file copies of	3 years. 3 years.	:	(a) Copics of orders on printing houses for pass stock. (b) Records of pass stock received, distributed, and destroyed 3 3	Optional, 3 years.
3	Inventories of materials and supplies: (a) General inventories of materials and supplies on hand, with	0 years.		(d) Records of passes (spine) or fitting on regulation passes, (d) Records of passes (spine)	years. Nears.
	(b) Stock eards, Inventory eards, and other detail recards per- toling to the taking of inventories, if abstracted into	l year.		(c) Alcordis of passes received from other carriers	Scars, years,
ន្ទ	Materials and supplies received and issued: (a) Received and repeats of materials and supplies received and 6.)	6 years,		(b) Records of annual or term passes honored 25 (c) Trip and telegraphia or sees collected (c) Free passenger that takets on southern (c) Investigate an annual constant or southern (c) Investigate and the constant of the c	2 Years, 2 Years, 2 Years, 2 Years,
	(v) Argumenta and Arcepts for finite ring highest Especia. I year, the closus of which have been transcribed into other recorder references of referring the contract of the c	1 year.		(a) Vold, unused, and unksued passes	1 year after current year,
	Ko, 03 — 4	· Schid,	-	_	Vers

Period to be retained				,	-		3 years, 3 years.	ns aftor audit. 11.			ı,	:i::i:						•						years after settlement. years after settlement.
		3 years. 6 years. 4 years.	6 years.	3 years.	3 years.	3 years.	3 years, 3 years. 3 years.	6 monti Options	3 years.	3 years. 2 years.	options	Optional. Optional.	4 years.	3 years.	3 years.	3 years.	3001	3 years.	6 years.	6 years.	6 years. 1 year.	6 years.		3 years 2 3 years 0
Description of records, etc.	STATIONS AND TERMINALS—continued	Freight corrections: (a) Correction notices. (b) Underdange and overbange freight statements. (c) Records and records of correction notices.			What, by whom inspected and what.  Records and reports of true what.  Sulpmonts transforred.  Bathprines ford and wantified	Accords of unloading, feeding, and watering livestook.  Records of unloading of vehicles showing by whom unloaded and whom and by whom inspected.				(a) Baggago reordis. (b) Baggago reordis and manifests. (c) Records of orcess and o, 0, d, baggago checks issued						t alins.		(c) Agents regular of truncatures. (c) Statements of each and other each papers deposited with agents by drivers.				heets and supporting papers, incd and carried to monthly	Dallator sheets.  Daplicates of above records. (See Item 124).	ng egents' rellef clalms
Item		æ	8	95			88	ŧ		8		88	,	8	101	102			103	첉충			901	·····
Period to be retained		3 years. Optional.	6 years.	6 years.	6 years.	3 years.	ı year. Optional.	Optional. 3 years.		3 years. 3 years. 3 years.	3 years.	Tyears. Tyears. Tyears.	3 years. 3 years.	1 year.	3 years.	3 years.	3 years,	o years.	3 years.	3 years.	3 years. 3 years. 3 years.		3 years.	3 years.
Description of records, etc.	TRANSPORTATION—continued		Original copies of raports from drivers showing; cash collections; (tlekets and passes honored or collected; number of passengers carried; baggage, express and mall handled; amount of freight carried; and the movement of buses, trucks, trackers, trailers						nd domogo to Iroigne snipmones. Stations and terminals	(a) Agents' records or registers of freight bills made and received. (b) Agents' records of adjustments on freight bills. (c) Transfer records of freight received from and delivered to		Orders from consignees for delivery of freight Freight-cheekers' records Orders for the reconsignment of freight Dupliertes of above records. (See item 124)	89 Freight reports:  (a) Reports, manifests, load sheets and abstracts of commercial 3 y an input is made and received.  (b) Reports and abstracts of company freight shipments made 3 y	and received.  Bassing reports at junction points of through bills forwarded to and received from connecting entriers.	Reports of shipments received and transported by contract cartiers, not covered by Friegit bills.	bills: Lucoll felight bills. Lucolling felight bills mained from other carriers.	(c) Copies of interline freight bills made to other carriers.  (d) Copies of interline freight bills moving between points on	Company feelgit bilis.  Duplicates of above records. (See from 124).		_	(c) Agents' settlements between carriers (d) Lists of bills sent to audit office for collection and credit.			
		Passes (C)	0	Import Re	Marine	Mail servi (a) Re	A Personal P	85 Record 86 Propert	<b>cs</b> 1	<u> </u>	€		Freight Bengham		€ © 	H TELES	 	<u> </u>	Expens	<u>.</u> @	<u>e</u>	PHIS OF	⊛	)

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Item	Description of records, etc.	Period to be retained
. 107	STATIONS, AND TERMINALS—continued  Other station and terminal records: All records at stations and terminals not otherwise provided for in these regulations. (See item 124.)	4 years.
	STATISTICS	
108	Reports to Interstate Commerce Commission and other regulating bodies:  (a) Annual financial, operating, and statistical reports, file	Permanently.
• '	copies of, and supporting papers.  (b) Reports of operating revenues, expenses, and statistics, fila copies of, and supporting papers.  (c) Accident reports, file copies of, and supporting papers.  (d) Reports of hours of service, file copies of, and supporting papers:  Dapers:	3 years.
	(i) Drivers' logs (Form 1)	For period prescribed in enfety regulations, a years, a years, ly years, a years, a years,
109	(a) to (e).  NOTE.—The supporting papers referred to in item 103 are those requisite to support the reports named, and not elsewhere provided for in these regulations. It figures for such reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and shall be retained accordingly.  Annual reports or statements to stockholders, file copies of	Permanently. 3 years.
	MISCELLANEOUS	
123	Tabulating cards and codes:  (a) When the results are transcribed to other records covered by these regulations.  (b) When the results are not transcribed to other records covered by these regulations.  (c) Records of code numbers and the periods during which they	Destroy at option after appropriate summaries have been made. For the period prescribed for the specific records.
124	were effective.  Duplicate accounts, records, and memoranda:  Duplicate accounts, records, and memoranda listed in these regulations when they are not provided for otherwise and when they contain no information other than that shown on	Permanently.  May be destroyed at option of carries
125	the originals.  Records of employees:  Applications for employment, reports and certificates of physical and other examinations, service records, efficiency tests, employees' rosters, and other similar records pertaining to employees.	5 years.
126	Instructions to agents and others:  Books and circulars of instructions to agents and others, in the general file of the department in which the complete official file is maintained.	6 years after expiration or cancellation
127	Provident departments records:  Records of provident departments, such as employees' relief, hospital, insurance and savings departments, other than records pertaining to the receipt and disbursement of funds.  Note.—The records pertaining to the receipt and disbursement of funds must be retained for the same periods as are provided for similar records elsewhere in these regulations.	1 year.
128	Written authorities and certificates of destruction of accounts, records, and memoranda required by public authorities. (See Sec. 203.304 (c), 203.305 (c), (d) and 203.306 of these required by public authorities.	Permanently.
129	lations.) Correspondence:  (a) Correspondence and records thereof relating to subjects listed in items 1 to 123, inclusive.	For the period prescribed for the records to which the correspondence
	<ul> <li>(b) Operators' copies of telegrams, including relay copies, if the original or other copies of such messages are retained, as provided for in (a) above.</li> <li>(c) Stenographers' notebooks and phonograph and other mechanical device records, if transcripts thereof are retained.</li> </ul>	relates. Optional.
120	as provided for in (a) above. (d) Transcripts of teletype messages.	3 years.
120	Pick-up and delivery records:  (a) A manifest detailing shipments delivered to terminal by consignor or consignor's authorized drayman on which on allowance is authorized in lieu of pick-up service. (State-	3 years.
,	ment of drayage allowance due shipper or consignce.)  (b) Record of all c. o. d. shipments received and all c. o. d. "Interline" shipments billed.	3 years.
]	(c) A manifest of shipments to be delivered by draymen. (Record of delivery service shipments.)	3 years.
	(d) A manifest of shipments to be picked up by drayman. (Record of pick-up shipments).	3 years.
	(e) Notice to consignees of tender of delivery  (f) Monthly summary of drayage charges paid  (g) Summary of manifest forms (e) and (d) pick-up and delivery	3 years. 3 years.
	service shipments. (h) Monthly report by agents covering handling of l. t. l. freight at nick-up and delivery stations (no minimum)	3 years.
	at pick-up and delivery stations (no minimum).  (i) Monthly report by agents covering handling of i. t. 1, freight at pick-up and delivery stations (with minimum).	3 Leurs
ĺ	(1) Monthly report by agents covering handling of l. t. l. freight at non pick-up and delivery stations.	3 years.
	(k) Pick-up service call sheet. (i) Card form patrons' authority for service desired (cartage authorities).	3 years. 3 years after cancellation.

<sup>1</sup> Part 191 of Title 49, chapter 1, subchapter B.

[F. R. Doc. 42–4283; Filed, May 12, 1942; 11:10 a. m.]

[Ex Parte No. MC-35]

PART 210—EXEMPTIONS

EXEMPTION OF CASUAL, OCCASIONAL, OR RE-CIPROCAL TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLES—EFFECTIVE DATE CHANGED

Present: William E. Lee, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Upon consideration of the record in the above-entitled matter; and good cause appearing:

It is ordered, That the order entered in said matter on March 21, 1942, which amends the Code of Federal Regulations, effective May 15, 1942, by adding the following:

§ 210.1 Casual, occasional, or reciprocal transportation of passengers for compensation when such transportation is sold or arranged by anyone for compensation.1 The partial exemption from regulation under the provisions of Part II of the Interstate Commerce Act of the casual, occasional, and reciprocal transportation of passengers by motor vehicle in interstate or foreign commerce for compensation as provided in section 203 (b) (9) of the act be, and it is hereby, removed to the extent necessary to make applicable all provisions of Part II of the act to such transportation when sold or offered for sale, or provided or procured or furnished or arranged for, by any person who sells, offers for sale, provides, furnishes, contracts, or arranges for such transportation for compensation or as a regular occupation or business. (Sec. 203 (b) (9), 49 Stat. 546, 54 Stat. 919, 921; 49 U.S.C. 303 (b) (9)).

be, and it is hereby, modified to the extent that such amendment shall be effective July 15, 1942.

Dated at Washington, D. C., this 8th day of May, A. D. 1942.

By the Commission, Commissioner Lee.

[SEAL] W. P. BARTEL,

Secretary.

[F. R. Doc. 42-4282; Filed, May 12, 1942; 11:10 a.m.]

Chapter II—Office of Defense Transportation

[Amendment No. 1 to General Order O.D.T. No. 7]

Part 500—Conservation of Rail Equipment

### SUBPART B-TANK CARS

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O.D.T. No. 7, Chapter II of this title, Part 500, Subpart B, § 500.15 is hereby amended to read as follows:

§ 500.15° Compensation for use of tank cars; effective date. \* \*

This subpart shall become effective on the 1st day of June 1942.

<sup>17</sup> FR. 2849.

<sup>&</sup>lt;sup>2</sup>7 F.R. 3332.

Except as amended hereby, General Order O.D.T. No. 7 shall remain in full force and effect. (E.O. 8989, 6 F.R. 6725)

Issued at Washington, D. C., this 9th day of May 1942.

JOSEPH B. EASTMAN, Director of Defense Transportation.

[F. R. Doc. 42-4292; Filed, May 12, 1942; 11:28 a. m.]

[Amendment No. 1 to General Order O.D.T. No. 6]

Part 501—Conservation of Motor Equipment

SUBPART E-LOCAL DELIVERY CARRIERS

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O.D.T. No. 6, Chapter II of this Title, Part 501, Subpart E, § 501.32 is hereby amended to read as follows:

§ 501.32 <sup>1</sup> Special deliveries, call backs, number of deliveries. Effective June 1, 1942, no local carrier shall:

(a) Make any special deliveries except to hospitals and the armed forces of the United States and except deliveries of medicines and other necessary supplies for the protection in emergencies of the public health, life, and safety.

(b) Make any call backs.

(c) Make more than one delivery on any one day to any one person, except special deliveries authorized by paragraph (a) of this section: Provided, however, That when one day's shipment or shipments to any one person exceed the capacity of a single vehicle, then and in that event delivery of such shipment or shipments shall be considered as one delivery.

Except as amended hereby, General Order O.D.T. No. 6 shall remain in full force and effect. (E.O. 8989, 6 F.R. 6725)

Issued at Washington, D. C. this 9th day of May 1942.

JOSEPH B. EASTMAN, Director of Defense Transportation.

[F. R. Doc. 42-4291; Filed, May 12, 1942; 11:21 a. m.]

### Notices

### TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 50630]

SILVER AND BLACK FOX QUOTA

DECLARATION OF SECRETARY OF THE TREASURY
DETERMINING IMPORT QUOTA OF SILVER OR
BLACK FOXES, FURS AND SKINS FOR PERIOD
MAY 1 TO NOVEMBER 30, 1942, INCLUSIVE

May 8, 1942.

Acting pursuant to paragraph (5) of article II of the new supplementary trade agreement with Canada signed on December 13, 1940 (T.D. 50295), I have de-

termined and hereby declare and make public that the number of silver or black foxes valued at less than \$250 each and whole silver or black fox furs and skins (with or without paws, tails, or heads) which may be entered, or withdrawn from warehouse, for consumption without reference to the country of exportation during the period May 1 to November 30, 1942, inclusive, is 41,774.

[SEAL] JOHN L. SULLIVAN, Acting Secretary of the Treasury.

[F. R. Doc. 42-4259; Filed, May 11, 1942; 2:54 p. m.]

### WAR DEPARTMENT.

[Civilian Exclusion Order No. 39]

HEADQUARTERS WESTERN DEFENSE COM-MAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—KING COUNTY, WASHINGTON

May 5: 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1 and 2, this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of King, State of Washington, within the boundary beginning at a point at which the southerly limits of the City of Seattle meet Puget Sound; thence following said city limits easterly and northerly to Lake Washington Pontoon Bridge and U. S. Highway No. 10; thence easterly along U. S. Highway No. 10 to the point at which said Highway No. 10 crosses the Snoqualmie River near Snoqualmie Falls: thence easterly and following the Sno-qualmie River to the junction of the North Fork and Middle Fork thereof; thence easterly and following the Middle Fork of said River to the King-Kittitas County line; thence southerly and following said county line to Green River; thence westerly and following Green River to Washington State Highway No. 5A; thence westerly and following Washington State Highway Nos. 5A and 1K to Des Moines; thence due west from Des Moines to Puget Sound; thence northerly along the shoreline of Puget Sound to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above-described area will report between the hours of 8:00 A. M. and 5:00 P. M., Wednesday, May 6, 1942, or during the same hours on Thursday, May 7, 1942, to the Civil Control Station located at: Lonely Acres Skating Rink—Renton Junction, Old Seattle, Tacoma Highway;

approximately three miles west of Renton, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, will be liable to the criminal penalties provided by Public Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly

Center.

[SEAL] J. L. DEWITT, Lieutenant General, U. S. Army, Commanding.

### Confirmed:

J. A. Ullo, Major General, The Adjutant General.

[F. R. Doc. 42-4297; Filed, May 12, 1942; 11:44 a. m.]

[Civilian Exclusion Order No. 40]

HEADQUARTERS WESTERN DEFENSE COM-MAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—SEATTLE, WASH-INGTON

MAY 5, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>3</sup> and 2<sup>2</sup>, this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the City of Seattle, State of Washington, within the boundary beginning at the point of intersection of East Madison Street and Fifteenth Avenue; thence southerly along Fifteenth Avenue to Yesler Way; thence westerly along Yesler Way to Fifth Avenue; thence northwesterly along Fifth Avenue to East Madison Street; thence northeasterly along East Madison Street to the point of beginning.

- 2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Wednesday, May 6, 1942, or during the same hours on Thursday, May 7, 1942, to the Civil Control Station located at Washington Hall, Fourteenth Avenue and East Fir Street, Seattle, Washington.
- 3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published

<sup>17</sup> F.R. 3008.

<sup>17</sup> F.R. 2320.

<sup>&</sup>lt;sup>2</sup>7 F.R. 2405.

instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P.W.T., of Monday, May 11, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT, Lieutenant General, U. S. Army, Commanding,

Confirmed:

J. A. ULIO,

Major General,

The Adjutant General.

[F. R. Doc. 42-4298; Filed, May 12, 1942; 11:44 a. m.]

[Civilian Exclusion Order No. 41]

HEADQUARTERS WESTERN DEFENSE COM-MAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—SAN FRANCISCO COUNTY, CALIFORNIA

May 5, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2,<sup>2</sup> this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the City and County of San Francisco, State of California, within that boundary beginning at the intersection of Presidio Avenue and Sutter Street; thence easterly on Sutter Street to Van Ness Avenue; thence southerly on Van Ness Avenue to O'Farrell Street; thence westerly on O'Farrell Street; thence westerly on O'Farrell Street to St. Joseph's Avenue (Calvary Cemetery); thence northerly on St. Joseph's Avenue to Geary Street; thence westerly on Geary Street to Presidio Avenue; thence northerly on Presidio Avenue to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Wednesday, May 6, 1942, or during the same hours on Thursday, May 7, 1942, to the Civil Control Station located at: 1530 Buchanan Street, San Francisco, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and allen Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,

Major General,

The Adjutant General.

[F. R. Doc. 42-4299; Filed, May 12, 1942; 11:44 a. m.]

[Civilian Exclusion Order No. 42]

HEADQUARTERS WESTERN DEFENSE COM-LIAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA — LOS ANGELES CALIFORNIA

MAY 5, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2,<sup>2</sup> this Headquarters, dated March 1, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, all persons of Japanese ancestry, both allen and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the City of Los Angeles, State of California, within that boundary beginning at the intersection of Sunset Boulevard and Vermont Avenue; thence southeasterly on Sunset Boulevard to Silver Lake Boulevard; thence southwesterly on Silver Lake Boulevard to Beverly Boulevard; thence westerly on Beverly Boulevard to Vermont Avenue; thence northerly on Vermont Avenue to the point of beginning.

- 2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Wednesday, May 6, 1942, or during the same hours on Thursday, May 7, 1942, to the Civil Control Station located at: Hollywood Independent Church, 4525 Lexington Avenue, Los Angeles, Callfornia.
- 3. Any person subject to this order who fails to comply with any of its provis-

ions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P.W.T., of Monday, May 11, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT, Lieutenant General, U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4300; Filed, May 12, 1942; 11:45 a.m.]

[Civilian Exclusion Order No. 43]

HEADQUARTERS WESTERN DEFENSE COM-LIAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—LOS ANGELES, CALIFORNIA

MAY 5, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1 and 2, this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, all persons of Japanese ancestry, both alien and non-allen, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the City of Los Angeles, State of California, within that boundary beginning at the intersection of Vermont Avenue and Los Feliz Boulevard; thence easterly on Los Feliz Boulevard to the middle of the Los Angeles River: thence southeasterly and southerly, on a line following the middle of the Los Angeles River to Figueroa Street; thence southwesterly on Figueroa Street to First Street; thence easterly on First Street to Main Street; thence southwesterly on Main Street to Washington Boulevard; thence northwesterly and westerly on Washington Boulevard to Vermont Avenue: thence northerly on Vermont Avenue to Beverly Boulevard; thence easterly on Beverly Boulevard to Silver Lake Boulevard; thence northeasterly on Silver Lake Boulevard to Sunset Boulevard; thence northwesterly on Sunset Boulevard to Vermont Avenue; thence Northerly on Vermont Avenue to the point of beginning.

2. A responsible member of each family, and each individual living alone,

<sup>17</sup>FR. 2320.

<sup>&</sup>lt;sup>2</sup>7 F.R. 2405.

in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Wednesday, May 6, 1942, or during the same hours on Thursday, May 7, 1942, to the Civil Control Station located at: 360 South Westlake Avenue, Los Angeles, California.

- 3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Monday, May 11, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing Any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.
- 4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT, Lieutenant General, U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4301; Filed, May 12, 1942; 11:45 a. m.]

[Civilian Exclusion Order No. 46]

HEADQUARTERS WESTERN DEFENSE COM-MAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—CLACKAMAS AND MULTNOMAH COUNTIES, OREGON

May 6, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1 and 2 this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Tuesday, May 12, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the County of Clackamas, State of Oregon, and all that portion of the County of Multnomah, State of Oregon, east of the west side of 122nd Avenue and the extension thereof, from the northern limits of the said county to the southern limits of said county.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Thursday, May 7, 1942, or during the same hours on Friday, May 8, 1942, to the Civil Control Station located at: Administration Building, Gresham Fair Grounds, Gresham, Oregon.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Tuesday, May 12, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled 'An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. Ulio,
Major General,
The Adjutant General.

[F. R. Doc. 42-4302; Filed, May 12, 1942; 11:46 a. m.]

[Civilian Exclusion Order No. 48]

HEADQUARTERS WESTERN DEFENSE COM-MAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—PLACER COUNTY, CALIFORNIA

May 7, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1<sup>1</sup> and 2, this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 14, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Placer, State of California, within the boundary beginning at a point at which California State Highway No. 49 intersects the Placer-Eldorado County line; thence southwesterly along said county line to the Placer-Sacramento County line; thence westerly along said county line to the improved road running from Folsom to Loomis: thence northerly along said improved road to its intersection with U. S. Highway No. 40; thence northeasterly along said Highway No. 40 to its intersection with California State Highway No. 49; thence easterly along said State Highway No. 49 to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above-described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 8, 1942, or during the same hours on Saturday, May 9, 1942, to

the Civil Control Station located at: Community Hall, Newcastle, California.

- 3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 14, 1942, will be liable to the criminal penalties provided by Pub. Law 503, 77th Cong., approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in Leaving or Committing any Act in Military Areas on Zones", and alien Japanese will be subject to immediate apprehension and internment.
- 4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4303; Filed, May 12, 1942; 11:46 a.m.]

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

PETITIONS OF DISTRICT BOARD NO. 2 NOTICE OF HEARING, ETC.

[Docket Nos. A-1399; A-1399 Part II]

Petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in district No. 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of mine index Nos. 1200 and 2100 of Joseph E. Gross (Beacon Fuel Co.) for all shipments except truck, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Memorandum opinion and order severing docket No. A-1399 part II from docket No. A-1399 and granting in part temporary relief in docket No. A-1399 part II and notice of and order for hearing in docket No. A-1399 part II.

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 2. As indicated in an Order issued in docket No. A-1399, a reasonable showing of necessity has been made for the granting of relief prayed for, except as to the establishment of price classifications for the coals of Mine Index Nos. 1200 and 2100 of Joseph E. Gross (Beacon Fuel Co.) for all shipments except truck.

<sup>&</sup>lt;sup>1</sup>7 F.R. 2320.

<sup>•7</sup> F.R. 2405.

The original petition proposes Price Classifications "G" in Size Group Nos. 1 and 2, "F" in Size Group Nos. 3 and 4, and "H" in Size Group Nos. 5 to 9, inclusive, and "D" in Size Group Nos. 14 to 16, inclusive, for all shipments except truck. The record in General Docket No. 15 and Price Schedule No. 1 for District No. 2 For All Shipments Except Truck indicate that price classifications and minimum prices have not been established in the special use sizes (Size Group Nos. 14 to 16, inclusive) for any District No. 2 coals similarly classified to those proposed for the coals of the said mines, as it appeared that such coals are not applicable for special use. The petition does not allege any facts in support of the requested price classifications for such application, and it appears that their establishment might disrupt the competitive relationship heretofore established for special use coals. Accordingly, no price classifications are established herein for the said coals in the special use sizes, pending a hearing to determine that such coals may be applied for special use.

Now, therefore, it is ordered, That the portion of Docket No. A-1399 relating to the coals of Mine Index Nos. 1200 and 2100 of Joseph E. Gross (Beacon Fuel Co.) for all shipments except truck be, and it hereby is, severed from the remainder of Docket No. A-1399 and designated as

Docket No. A-1399 Part II.

It is further ordered, That a hearing in Docket No. A-1399 Part II under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on June 9, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so-designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 5, 1942.

All persons are hereby notified that the hearing in Docket No. A-1399 Part II and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1200 and 2100 of Joseph E. Gross (Beacon Fuel Co.) a code member in District No. 2, in Size Groups 1 to 9, inclusive, and 14 to 16, inclusive, for all shipments except truck; and, more particularly, for the establishment of Price Classifications "G" in Size Group Nos. 1 and 2, "F" in Size Group Nos. 3 and 4, and "H" in Size Group Nos. 5 to 9, inclusive, and "D" in Size Group Nos. 14 to 16, for such shipments.

It is further ordered, That pending final disposition of Docket No. A-1399 Part II, temporary relief be, and it hereby is, granted as follows: Commencing forthwith Price Schedule No. 1 for District No. 2, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R," annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 11, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-4287; Filed, May 12, 1942; 11:13 a.m.]

### [Docket No. A-1325]

PETITION OF BITUMINOUS COAL CONSUMERS'
COUNSEL

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the patition of Bituminous Coal Consumers' Counsel for the establishment of the same price classifications and minimum prices for the coals produced at mines in Subdistrict 4 of District 13 for shipments by river as are applicable to such coals for truck shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with the Bituminous Coal Division ("Division") on February 17, 1942, by the Bituminous Coal Consumers' Counsel ("Consumers' Counsel"). The petition states that the Consumers' Counsel is dissatisfied with certain coordinated minimum prices and rules and regulations contained in the

price schedules for District 13 and with the failure to establish certain minimum prices therein; that the minimum prices now applicable to producers in Subdistrict 4 of District 13 (Tennessee-Georgia truck mines) are apparently applicable only for shipment by truck, whereas producers in Subdistrict 3 of District 13 (Tennessee - Georgia rail-connected mines), similarly situated with respect to the Tennessee River, have been assigned prices applicable to coal shipped by river as well as coal shipped all-rail, and, in most cases, by truck; and that the mines in Subdistrict 4 of District 13 are located within reasonable trucking distance of the Tennessee River, a majority of them being within 30 miles of that river. The netitioner contends that a considerable portion of the Tennessee River is now provided with a navigable channel as a result of the improvements carried on since 1933 by the Tennessee Valley Authority and other federal agencies; that barge shipments of coal are now feasible on the Tennessee River from the mines of Subdistricts 3 and 4 of District 13 to all points in Alabama served by the river; and that the present and prospective consumers of bituminous coal on the Tennessee River should be free to purchase their coal from mines which have access to the river; and that such consumers on this river should be entitled to have the coal shipped by barge at the same f. o. b. mine prices from Subdistrict 4 of District 13 as consumers who prefer other means of transportation.

The petitioner avers that the War Department is now constructing an arsenal and an ordance plant' near Huntsville, Alabama, which are accessible from the Tennessee River; that piers and wharves are now being built on the Tennessee River for handling barge shipments of coal, raw materials and munitions; that transportation facilities of the War Dapartment will be available for the ready transfer of commodities between the piers and wharves and the various buildings comprising the arsenal and ordnance plant; that when full operations are reached, it is estimated that these munitions plants will consume about 20,000 tons of coal per month; and that the War Department wishes to purchase all of its coal by barge movement, insofar as possible, and to use barge transportation for other raw materials and for products which it will manufacture, in order to reduce the burden on rail transportation. It is expected that these plants will go into initial operation about March 1, 1942, and that the river unloading facilities for coal will be completed in April, 1942. It is also contended that most of the mines of Subdistrict 4 of District 13 produce a quality of coal which will meet the needs of these plants for most of its coal supplies as well as or

<sup>&</sup>lt;sup>1</sup>Not filed with the original document.

<sup>\*</sup>The original petition makes reference only to the Huntoville Arsenal of the War Department. At the hearing the petitioner moved to amend the petition to include a prayer for relief for the Red Stone Ordnance Plant, a munitions unit of the War Department directly adjoining the arsenal. The motion was granted by the Examiner.

better than coals available for movement by rail.

The petitioner further contends that it is of vital importance to the conduct of the war that the manufacturing operations at the Huntsville Arsenal and Red Stone Ordnance Plant be carried out without interruption. On the ground that plans for barge shipments of coal to these plants are to be inter-related with plans for the shipment of other raw materials as well as the finished munitions by barge, it is contended that any difficulty in securing shipments of coal by river would hamper establishment of transportation facilities for the receipt of other raw materials for the arsenal and ordnance plant and for the movement of the finished products from these plants.

The petitioner prays that the price schedules of District 13 be amended to permit shipments by river from the mines of Subdistrict 4 at the same f. o. b. mine prices as are applicable for shipment by truck. Pending a decision on the general question, the petitioner asks that immediate temporary relief be granted permitting all producers in Subdistrict 4 of District 13 to ship coal to the United States Government for use at the Huntsville Arsenal and the Red Stone Ordnance Plant, both located near Huntsville, Alabama, at the same f. o. b. mine prices as are now applicable for shipment by

truck.

Petitions of intervention were filed by District Boards 8, 9, and 13. Pursuant to Orders of the Acting Director and after due notice to all interested persons, hearings in this matter were held on March 19, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered in behalf of the petitioner; the Tennessee Valley Authority; District Boards 8 and 13; the Tennessee River Coal Company, and Small and Mansfield, code members in Subdistrict 4 of District 13.

Evidence was adduced in the hearing to the effect that the base coals (Harlan E) of District 8 were coordinated with the base coals (Black Creek) of District 3 in General Docket No. 15 for all-rail shipment into Huntsville, Alabama, Market Area No. 118. It was contended that

if this coordination was disrupted through the establishment of prices for the truck coals of Subdistrict 4 of District 13 for movement by water, the producers of District 8 would suffer. District Board 13 opposed the relief prayed for by the petitioner on the ground that the minimum prices now applicable for truck shipment for the coals of Subdistrict 4 of District 13 have never been coordinated with the prices for the mines in District 13 and other districts for shipment into Huntsville, Alabama, Market Area No. 118.

The evidence shows that the War Department is constructing a large arsenal and ordnance plant on the Tennessee River in Market Area No. 118. It is expected that these plants will consume about 20,000 tons of coal per month. In order to insure an adequate supply of coal and to relieve the burdens on rail transportation in this area, the War Department is anxious to be able to receive its coal supplies for these plants by river as well as by rail. The barge facilities made available to the War Department on the Tennessee River are to be used as a means of obtaining other raw materials for these plants and in transporting their finished products. The evidence further shows that recent navigation improvements in the Tennessee River have made feasible barge movements of coal from the Tennessee mines of District 13 to these munition plants. Wharves are now being constructed on the Tennessee River and a crane will be installed to unload coal and other raw materials from the barges. The War Department's railroad facilities are ex-The War pected to be used in the movement of the coal from the wharves to the arsenal and ordnance plant. .

Evidence was also introduced into the record to the effect that loading points for the barging of coal could be conveniently built at a number of places on the Tennessee River as far up as Dayton, Tennessee. However, there is testimony in the record that the river is not, at the present, completely accessible to barge transportation above Chattanooga, Tennessee. Coal loading facilities for barge transportation are now being constructed at South Pittsburg, Tennessee, At Chattanooga there are already barge loading facilities. Therefore, for the purposes, of this temporary relief it will be sufficient to limit shipments from South Pittsburg and Chattanooga.

The truck mines capable of supplying the proposed purchase at the South Pittsburg loading facilities are, for the most part, located within an average distance of 22 to 25 miles from this point on the Tennessee River. The truck mines capable of supplying purchases that may be made at the Chattanooga wharves are within an average distance of about 16 to 21 miles from these wharves. It would seem, therefore, that the truck mines within a radius of 30 miles of South Pittsburg and those within a radius of 30 miles of Chattanooga represent an adequate area of supply for the river movement proposed in this proceeding.

In view of the foregoing circumstances, it appears to the undersigned that a reasonable showing of necessity has been made for the granting of temporary relief, pending a final disposition of this proceeding. The record in this proceeding makes it clear that immediate relief is highly essential.

The petitioner requests that the Huntsville Arsenal and the Red Stone Ordnance Plant be permitted to receive shipments by water from the mines of Subdistrict 4 of District 13 at the same prices f. o. b. the mine as are now applicable for shipment by truck. Subdistricts 4 and 3 represent the same geographical area in District 13; Subdistrict 4 represents the Tennessee-Georgia truck mines, while Subdistrict 3 represents the Tennessee-Georgia rail-connected mines of District 13. The preponderant tonnage of coals moving by rail into Market Area 118 originates in District 8.

In General Docket No. 15 the following coals were established as base coals for movement into Market Area 118: District 8 base Harlan Seam Coal, Blue Diamond Coal Company, Crown Mine, Mine Index No. 143; and District 13 base Black Creek Seam, DeBardeleben Coal Corporation, Empire Mine, Mine Index No. 22. All other coals moving into this Market Area were related to these coals for the purposes of coordination. The base freight rates from District 8 into Market Area No. 118 are the rates from the base Freight Origin Group 80, carrying the Harlan rate of \$2.35 per net ton to Huntsville, Alabama, the typical destination in Market Area 118; the freight rate of base coals of Subdistrict 1 of District 13 (Empire Mine, Mine Index No. 22, DeBardeleben Coal Corporation) is \$1.80 per ton to Huntsville; and the base freight rates from mines in Subdistrict 3 of District 13 (Tennessee-Georgia rail-connected mines), are the Tracy City and Whitwell rates of \$1.60 per ton, the latter in Freight Origin Groups 140 and 150, respectively. The base freight rates just quoted have recently been increased 5 cents per ton.

The mines of Subdistrict 4 of District 13 are prepared to ship mine run coal (Size Group 7). Using the increased freight rates and the f. o. b. mine prices indicated in the all-rail price schedules of Districts 8 and 13 for Size Group 7 coal, the delivered minimum prices for the base coals moving into Market Area 118 from Districts 8 and 13 may be calculated. Thus, with an f. o. b. mine price of \$2.15 per ton, the delivered minimum price for the base coal of District 8 in

<sup>&</sup>lt;sup>2</sup> On the motion of the petitioner, joined in by District Board 13 and several code member producers of District 13, the testimony adduced in Docket A-1238 (a petition by Consumers' Counsel in behalf of the Tennessee Valley Authority for river prices for coals of Subdistrict 4 of District 13 on shipments to the Wilson Dam steam plant, Market Area No. 117) was incorporated by reference into the record in this proceeding. During the course of the hearing the petitioner suggested that the question of permanent relief in this proceeding be postponed for some time and the parties be given opportunity to reopen the hearing for the possible introduction of such additional evidence as may be obtained from the Tennessee Valley Authority's experimental movement of coal on the Tennessee River pursuant to the temporary relief granted in Docket A-1238.

<sup>&</sup>lt;sup>3</sup> See Examiner's Report, pp. 1188-1194, Examibit p. 428, Director's Report pp. E-5 to E-12, General Docket No. 15. Slack coals are, however, an exception to this. The Crown Mine, Mine Index No. 143, Blue Diamond Coal Company, is classified 5 cents less on slack coal than the base "E" Harlan coal; the Empire Mine, Mine Index No. 22, DeBardeleben Coal Corporation, is classified 5 cents higher on slack coal than the base Black Creek Seam coal.

<sup>&</sup>lt;sup>4</sup> See Ex Parte 148, Increased Raliway Rates, Fares and Charges, Interstate Commerce Commission, March 2, 1942. Also, Order of Alabama Public Service Commission, in Dockot 8360 of April 9, 1942.

mine run (Size Group 16) into Huntsville, Alabama, is \$4.55 per ton; with an f. o. b. mine price of \$2.75 per ton, the delivered minimum price for the base coal of Subdistrict 1 of District 13 for mine run (Size Group 13) is \$4.60 per ton into this destination; and with an f. o. b. mine price of \$2.45 per ton, the delivered minimum price for mine run coal (Size Group 7) for the mines carrying the base freight rates in Subdistrict 3 of District 13 is \$4.10 per ton.

The charges incident to the moving of mine run coal by water from the Subdistrict 4 mines of District 13 to the Huntsville Arseral are as follows: a cost of transporting the coal from the mines to the loading facilities on the Tennessee River of about 60 cents per ton; a cost of loading the coal into barges which is said to be about 10 cents per ton; the cost of river transportation from the river loading points on the Tennessee River to the Huntsville Arsenal which is likely to be anywhere between 50 to 60 cents per ton; and the cost of lifting at the unloading point near the Huntsville Arsenal which is said to be 15 cents

per ton. Under present freight rates, the base Tennessee coals in Size Group 7 from Subdistrict 3 deliver at the Huntsville Arsenal at \$4.10 per ton. In order to equalize the delivered minimum price of the coals moving by water to the Huntsville Arsenal with the base coals moving by rail to the same destination, it seems desirable to fix a minimum price f. o. b. the mine to enable the coal to deliver into the barges at \$3.35 per ton, thereby permitting the delivery of such coal to the Huntsville Arsenal at the price at which the base coals from Tennessee deliver into Market Area 118.º Taking into account the intervening transportation charges from the mine to the wharves of about 60 cents per ton, and the loading charge of 10 cents per ton, the f. o. b. mine price should be established at \$2.65 per ton.

\*Pursuant to an invitation to bid (received in evidence as Exhibit No. 5), the War Department, immediately prior to the hearing in this proceeding, awarded a contract to supply coal to be used at the arsenal at Runtsville to the Tennessee Consolidated Coal Company, Tracy City, Tennessee, for the shipment of 1½ "x 0 nut and slack coal from the Palmer Mine, Palmer, Tennessee, at a price of \$2.39 per ton at the mine. With the recent increase in the freight rates from this mine to the Huntsville Arsenal, this coal will deliver at the arsenal and ordnance plant under contract at \$4.04 per ton.

ePermanent relief in both Docket A-1238 and in this proceeding await final disposition by the undersigned. It is hoped that then the entire problem of f. a. s. prices for consumers on the Tennessee River will be explored in the light of the new conditions created by the improvements which have recently made this river available for barge transportation.

<sup>7</sup>In order to insure all producers within 20 miles of the loading facilities paticipation on an equal basis, provision will be made for a trucking zone charge of 60 cents per ton.

Now, therefore, it is ordered, That temporary relief, pending final disposition of this proceeding, is hereby granted by adding to the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments (at page 24 thereof; Subdistricts 3 and 4 subsections) the following Price Exception:

Any code member producer whose mine is located in Subdistrict 4 and which mine is located within a radius of 30 miles of river loading facilities at South Pittsburg, Tennessee, or any mine which is located within a radius of 30 miles of river loading facilities at Chattanooga, Tennessee, may ship by truck run of mine (Size Group No. 7) coal from such mine to river loading facilities at South Pittsburg or Chattanooga, Tennessee, for shipment by river to the piers or wharves serving the Huntsville Arsenal and the Red Stone Ordnance plant in Market Area 118, at a minimum price of not less than \$2.65 f. o. b. the mine;

Provided, however, That when code member producers sell or transport such coal to the South Pittsburg or Chattanooga loading facilities by truck, whether owned or controlled by them, independent or otherwise, for delivery to the War Department at the Huntsville Arsenal or the Red Stone Ordnance Plant in Market Area 118, they may, if the actual transportation costs exceed 60 cents per net ton, reduce the effective minimum price f. o. b. the mine of \$2.65 by an amount no greater than the excess of such costs over said 60 cents; and they shall, if the actual transportation costs are less than 60 cents per net ton for such shipment, add to the effective minimum price f. o. b. the mine of \$2.65, an amount not less than the difference between said 60 cents and their actual costs of transportation;

Provided further, That the relief herein granted shall apply only to coal shipped subsequent to the date hereof.

And it is further ordered, That jurisdiction is reserved to enter such further order or orders as are found necessary in the premises.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Acting Director's views concerning the final disposition of this proceeding or the nature of the relief which may hereafter be granted.

Dated: May 11, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-4285; Filed, May 12, 1942; 11:13 a. m.]

[Docket No. 1789-FD]

In the Matter of Edwin R. Eberhart, Defendant

ORDER GRANTING APPLICATION FOR RESTORA-TION OF CODE MEMBERSHIP

A complaint having been filed on June 28, 1941, by the Bituminous Coal Producers Board for District No. 4, as complainant, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by Edwin R. Eberhart of the Bituminous Coal Code and rules and regulations thereunder;

The Acting Director having entered an Order herein on February 18, 1942, cancelling and revoking the code membership of Edwin R. Eberhart, which order was duly served upon Edwin R. Eberhart on February 25, 1942.

hart on February 25, 1942;
On March 4, 1942, Edwin R. Eberhart having filed with the United States Circuit Court of Appeals for the Sixth Circuit a petition for review and a motion to stay the effective date of the Order of the Acting Director, dated February 18, 1942 (In the matter of Edwin R. Eberhart, Petitioner, vs. Dan H. Wheeler, Acting Director of the Bituminous Coal Division, Department of the Interior and Harold L. Iches, Secretary of Interior, Respondents, Docket No. 9201);
The Court having on March 5, 1942,

The Court having on March 5, 1942, entered an order staying the effective date of the Acting Director's Order of February 18, 1942;

On March 10, 1942, the respondents having filed with the United States Circuit Court of Appeals for the Sixth Circuit, a motion for the modification of order granting stay, asking that the stay be conditioned upon Eberhart's complying with the prices established under the Act pending the Court's disposition of the appeal; the Court having granted said motion by order dated March 12, 1942;

Edwin R. Eberhart having on April 24, 1942, paid to the Deputy Director of Internal Revenue at Canton, Ohio, the sum of \$4,648.41 as provided in said order dated February 18, 1942, as a condition precedent to the restoration of his code membership;

On April 27, 1942, Edwin R. Everhart having filed with the Division an application for restoration of code membership to become effective as of date of revocation and cancellation of his code membership;

On April 29, 1942, Edwin R. Eberhart, petitioner in Docket No. 9201 before the Sixth Circuit Court of Appeals and Dan H. Wheeler, Acting Director of the Bituminous Coal Division, Department of the Interior and Harold L. Ickes, Secretary of the Department of the Interior, respondents therein, filed with the United States Circuit Court of Appeals for the Sixth Circuit, a "Stipulation Dismissing Petition For Review And Vacating Stay Of Effective Date Of Acting Director's Order Dated April 24, 1942", which stipu-

lation was adopted and approved by order of said Court on May 6, 1942.

Now, therefore, it is ordered, That said application of Edwin R. Eberhart dated April 24, 1942, for restoration of his code membership be and the same hereby is granted;

It is further ordered, That said restoration of the code membership of Edwin R. Eberhart shall become effective on May 6, 1942, simultaneously with the effective date of said cancellation and revocation of his code membership.

Dated: May 11, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-4286; Filed, May 12, 1942; 11:13 a. m.]

### DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 167]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HANDLING OF HOP PRODUCTS PRODUCED FROM SUCH HOPS

Notice is hereby given of a hearing to be held with respect to a proposed marketing agreement and proposed order regulating (1) the handling of hops grown in the States of Oregon, California, Washington, and Idaho, and (2) the handling of hop products produced from such hops. This hearing will be held at the auditorium, Chamber of Commerce Bullding, Third and A Streets, Yakima, Washington, beginning at 9:00 a. m., P. w. t., May 28, 1942; at the Marion Hotel, Salem, Oregon, beginning at 9:00 a. m., P. w. t., June 1, 1942; and at Native Sons' Hall, 410 Mendocino Avenue, Santa Rosa, California, beginning at 9:00 a. m., P. w. t., June 5, 1942.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Agricultural Marketing Administration, United States Department of Agriculture, as amended (6 F.R. 6570; 7 F.R. 3350).

This public hearing is for the purpose of receiving evidence (a) as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the aforesaid act and (b) as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid hops and hop products as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide

for: (1) the establishment of a Control Board; (2) the establishment of a Growers Allocation Committee; (3) the establishment of advisory committees; (4) determination of the salable quantity of hops for the crop years 1942, 1943, and 1944, respectively, and allotment of such quantity among growers; (5) prohibiting the handling of hop products except such as may be produced from certificated hops; (6) regulating the handling of hops produced prior to the effective date of this program; (7) expenses of administration; and (8) confidential reports by handlers regarding the handling of hops. Consideration may be given, among other things, to whether a Manager or Managing Agent, appointed by the Secretary of Agriculture of the United States, should be authorized to perform the administrative duties, including the promulgation of rules and regulations, specified, in the proposed program, for the Control Board.

Copies of the proposed marketing agreement and order may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

Dated: May 11, 1942. Washington, D. C.

THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.

[F. R. Doc. 42-4260; Filed, May 11, 1942; 4:17 p. m.]

### DEPARTMENT OF LABOR.

Children's Bureau.

POSTPONEMENT OF EFFECTIVE DATE OF PRO-POSED ORDER DECLARING OCCUPATIONS INVOLVED IN THE BUILDING AND REPAIR-ING OF SPIPS TO BE PARTICULARLY HAZ-ARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN THE AGES OF 16 AND 18 YEARS

May 12, 1942

A proposed Finding and Order <sup>2</sup> declaring occupations involved in the building and repairing of ships to be particularly hazardous for the employment of minors between the ages of 16 and 18 years and directing that said proposed Order become effective on June 1, 1942, § 422.7 (d) having been issued on March 23, 1942; a public hearing having been held on April 15, 1942, with respect to said proposed Finding and Order; matters having arisen at said public hearing requiring further consideration of said proposed Finding and Order; and sufficient reason appearing for the postponement of said effective date of said proposed Order, Now, therefore, I, Katharine F. Len-

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby order that the effective date of

<sup>2</sup>7 F.R. 2283.

said proposed Order be postponed until further notice.

[SEAL] KATHARINE F. LENROOT, Chief.

[F. R. Doc. 42-4304; Filed, May 12, 1942; 11:47 a. m.]

### BOARD OF INVESTIGATION AND RESEARCH.

Notice of Hearings on Public Aids to Transfortation

Notice is hereby given that hearings will be held in Washington, D. C., commencing June 29, 1942, on public aids to transportation in connection with the investigation required by the Transportation Act of 1940 (54 Stat. 952 et seq.). The hearings will be conducted in conference rooms A and B of the Departmental Auditorium on Constitution Avenue between 12th and 14th Streets.

Any person may obtain a copy of the announcement of said hearings by request transmitted to: Board of Investigation and Research, Dupont Circle Building, Washington, D. C.

Dated, Washington, D. C., May 11, 1942.
[SEAL] TRUMAN C. BIGHAM,
Secretary.

[F. R. Doc. 42-4294; Filed, May 12, 1942; 11:48 p. m.]

### OFFICE OF PRICE ADMINISTRATION.

[Docket Nos. 1045-1-P, 1045-2-P]

IN THE MATTER OF BIRD & SON, INC., AND FLINTKOTE COMPANY, PROTESTANTS

ORDER PROVIDING OPPORTUNITY FOR PRO-TESTANTS TO PRESENT FURTHER EVIDENCE

On March 12, 1942 the Office of Price Administration, at the request of protestants and other producers, sent detailed cost questionnaires to all members of the asphalt and tarred roofing products industry in order to provide a basis for the reconsideration by the Price Administrator of the maximum prices established by Revised Price Schedule No. 45-Asphalt or Tarred Roofing Products.1 By May 5, 1942 thirty-four of the thirtynine producers had returned their questionnaires completed; these have been verified and the tabulation of the information contained therein started. Complete returns were submitted by the protestants. The Price Administrator will incorporate into the record of these proceedings the results of this study. This evidence will be served on the protestants.

Therefore: Under the authority of the Emergency Price Control Act of 1942 and pursuant to Procedural Regulation No. 1: It is ordered, That Bird and Son, Inc. and Flintkote Company, Protestants, be, and they hereby are, granted an opportunity to present evidence in response to or in rebuttal of the evidence

<sup>&</sup>lt;sup>1</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2658).

<sup>17</sup> F.R. 1291.

served upon them within such reasonable time after receipt by them of such evidence as shall be set by the Price Administrator.

Issued and effective this 11th day of

May 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4267; Filed, May 11, 1942; 5:10 p. m.]

[Docket'Nos. 1045-1-P, 1045-2-P]

IN THE MATTER OF BIRD & SON, INC., AND FLINTKOTE COMPANY, PROTESTANTS

### ORDER CONSOLIDATING PROTESTS

On April 11, 1942, Bird & Son, Inc. of East Walpole, Massachusetts, and Flintkote Company of New York City filed separate protests against Revised Price Schedule No. 45—Asphalt or Tarred Roofing Products<sup>1</sup> which were respectively given Docket Nos. 1045–1–P and 1045–2–P. Common questions are raised in said protests and in order to determine them fully and expeditiously it is appropriate to consolidate said Protests.

Therefore: Under the authority of the Emergency Price Control Act of 1942 and pursuant to Procedural Regulation No. 1: It is ordered, That the said protests respectively entitled: In the Matter of Bird & Son, Inc., Docket No. 1045-1-P, and In the Matter of Flintkote Company, Docket No. 1045-2-P, be, and they hereby are, consolidated.

Issued and effective this 11th day of May, 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-4268; Filed, May 11, 1942; 5:09 p. m.]

[Docket No. 1016-3-P]

IN THE MATTER OF COLUMBIA FACTORY, A CO-PARTNERSHIP, PROTESTANT

### ORDER DISMISSING PROTEST

On April 14, 1942, Columbia Factory, a co-partnership composed of John M. Caffery, Mary Frere Caffery, Donelson T. Caffery, Clegg Caffery, Mary Caffery Jones, John M. Caffery, Jr., and Lydia Caffery, Franklin, Louisiana, filed a protest against the provisions of Revised Price Schedules Nos. 16<sup>2</sup>—Raw Cane Sugars—and 60<sup>3</sup>—Direct-Consumption Sugars. Said protest does not comply with the provisions of the Emergency Price Control Act of 1942, in that said protest was not filed within the time provided therefor. In addition, as to Revised Price Schedule No. 60, it does not appear from said protest that Protestant is subject to the provisions protested.

Therefore, under the authority vested in the Price Administrator by the Emer-

gency Price Control Act of 1942, it is ordered that Protest No. 1016-3-P be, and it hereby is, dismissed.

Issued and effective this eleventh day of May 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4261; Filed, May 11, 1942; 5:08 p. m.]

[Docket No. 1060-1-P]

In the Matter of J. B. Slith, Protestant

### ORDER DISMISSING PROTEST

On April 13, 1942, J. B. Smith, 1004 North State Street, Alma, Michigan, filed a protest against "the maximum price set on beet sugar" in Revised Price Schedule No. 60 3-Direct-Consumption Sugars. Said protest does not comply with the provisions of the Emergency Price Control Act of 1942, in that the Protestant is not subject to the provisions protested. The Protestant is a farmer engaged in the growing and selling of sugar beets, and only manufacturers of beet sugar are subject to said provisions.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that Protest No. 1060-1-P

be, and it hereby is, dismissed.
Issued and effective this eleventh day of May 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4262; Filed, May 11, 1942; 5:08 p. m.]

[Docket No. 1016-2-P]

In the Matter of Central Aguirre Sugar COMPANY, PROTESTANT

### ORDER DISMISSING PROTEST

On April 13, 1942, Central Aguirre Sugar Company, Aguirre, Puerto Rico, filed a protest against "the maximum prices contained" in Revised Price Schedule No. 162-Raw Cane Sugars. Said protest does not comply with the Emergency Price Control Act of 1942, and Procedural Regulation No. 1,4 issued pursuant to the authority thereof, in the following respects:

(1) No written power of attorney, signed by Protestant authorizing the representative (agent) signing the protest to represent the Protestant, was filed with the protest.

(2) The protest does not set forth a clear and concise statement of the facts alleged in support of the objections.

(3) The protest does not set forth a statement signed and sworn to by the Protestant personally that the protest is prepared in good faith.

(4) The Protestant did not file in conjunction with his protest affidavits or other written evidence in support of said protest.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that Protest No. 1016-2-P be, and it hereby is, dismissed unless Protestant files, within fifteen days after the date of this order, an amended protest which complies with the provisions of the Emergency Price Control Act of 1942 and Procedural Regulation No. 1.

Issued and effective this eleventh day

of May 1942.

LEON HENDERSON, Administrator,

[F. R. Doc. 42-4263; Filed, May 11, 1942; 5:03 p. m.]

### [Docket No. 1016-1-P]

IN THE MATTER OF SOUTH PORTO RICO SUGAR COMPANY (OF PUERTO RICO), PROTESTANT

### ORDER DISMISSING PROTEST

On April 13, 1942, South Porto Rico Sugar Company, Ensenada, Puerto Rico, filed a protest against "the maximum prices contained" in Revised Price Schedule No. 162-Raw Cane Sugars. Said protest does not comply with the Emergency Price Control Act of 1942, and Procedural Regulation No. 1,4 issued pursuant to the authority thereof, in the following respects:

(1) No written power of attorney, signed by protestant, authorizing the representative (agent) signing the protest to represent the protestant, was filed with the protest.

(2) The protest does not set forth a clear and concise statement of the facts alleged in support of the objections.

(3) The protest does not set forth a statement signed and sworn to by the Protestant personally that the protest is prepared in good faith.

(4) The Protestant did not file in conjunction with his protest affidavits or other written evidence in support of said

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that Protest No. 1016-1-P be, and it hereby is, dismissed unless Protestant files, within fifteen days after the date of this order, an amended protest which complies with the provisions of the Emergency Price Control Act of 1942 and Procedural Regulation No. 1.

Issued and effective this eleventh day of May 1942.

> LEON HENDERSON. Administrator.

[P. R. Doc. 42-4264; Filed May 11, 1942; 5:03 p. m.]

<sup>&</sup>lt;sup>1</sup>7 FR. 1291.

<sup>27</sup> F.R. 1239. 37 F.R. 1320, 2510.

<sup>47</sup> F.R. 971.

[Docket No. 1049-2-P]

IN THE MATTER OF THE GERRARD COMPANY, INC., PROTESTANT

### ORDER DISMISSING PROTEST

On April 11, 1942, The Gerrard Company, Inc., Chicago, Illinois, filed a protest against the provisions of Revised Price Schedule No. 49.1 Said protest does not comply with the provisions of the Emergency Price Control Act of 1942, in that the Protestant is not subject to the provision protested.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered that Protest No. 1049-2-P, be, and it hereby is, dismissed.

Issued and effective this 11th day of

May 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-4265; Filed, May 11, 1942; 5:09 p. m.]

### [Docket No. 1045-3-P]

IN THE MATTER OF T-K ROOFING MANU-FACTURING COMPANY, PROTESTANT

### ORDER DISMISSING PROTEST

On April 14, 1942, T-K Roofing Manufacturing Company, Carolina Avenue, Chester, West Virginia, filed a protest against Revised Price Schedule No. 452-Asphalt or Tarred Roofing Manufacturing Products. Said protest does not comply with the provisions of the Emergency Price Control Act of 1942, in that:

(a) The protest was not filed within sixty days after Revised Price Schedule No. 45 became effective as required by section 203 (a) of the Emergency Price Control Act of 1942; and

(b) The protest is not verified as required by Rule 14 (g) of Procedural Regulation No. 1.3

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered that Protest No. 1045-3-P be, and it hereby is, dismissed.

Issued and effective this 11th day of May 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4266; Filed, May 11, 1942; 5:09 p. m.]

In the Matter of Boston Woven Hose & RUBBER COMPANY, PROTESTANT

### ORDER DISMISSING PROTEST

On April 10, 1942, Boston Woven Hose & Rubber Company, 29 Hampshire Street, Cambridge, Massachusetts, filed a protest against a communication it received from the Office of Price Administration under date of March 25, 1942, over the signature of Ben W. Lewis, Price Executive, Rubber and Rubber Products Section. Said protest does not comply with the provisions of the Emergency Price Control Act of 1942, in that it is not directed at a provision of any regulation, order, or price schedule to which the protestant is subject. The communication which was protested was merely a request for filing of certain information with the Office of Price Administration.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is ordered that Protest No. 2001-P be, and it hereby is, dismissed.

Issued and effective this 11th day of May 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4253; Filed, May 11, 1942; 12:07 p.m.]

### [Docket No. 1082-1-P]

IN THE MATTER OF R. H. BOULIGNY, INC., PROTESTANT

### ORDER DISMISSING PROTEST

On April 15, 1942, R. H. Bouligny, Inc. Box 2114, Charlotte, North Carolina, filed a protest against the provisions of Revised Price Schedule No. 82 -Wire. Cable and Cable Accessories. Said protest does not comply with the requirements of the Emergency Price Control Act of 1942, in that the protest was not filed within a period of sixty days after February 11, 1942, the date on which the Administrator took Office.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 13 issued by the Office of Price Administration, it is ordered that Protest No. 1082-1-P be, and it hereby is, dismissed.

Issued and effective this 11th day of May 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4277; Filed, May 12, 1942; 9:55 a. m.]

[Docket No. 1020-2-P]

IN THE MATTER OF THE KOBLITZ-KOHN COMPANY, PROTESTANT

### ORDER DENYING PROTEST

On April 8, 1942, The Koblitz-Kohn Company, 2380 Canal Road, Cleveland, Ohio, filed a protest against the provisions of Revised Price Schedule No. 20 4-Copper and Copper Alloy Scrap, as effective on and after February 27, 1942. Due consideration has been given to the protest, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,3 issued by the Office of Price Administration, it is ordered that Protest No. 1020-2-P be, and it hereby is, denied in whole. The Protestant may apply for a reconsideration of the protest within 20 days of the date of this Order.

Issued and effective this 11th day of May 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-4278; Filed, May 12, 1912; 9:55 a. m.]

<sup>17</sup> FR. 1300, 1836, 2132, 2473, 2541, 2682, 2790, 2791, 3330. \*7 F.R. 1291.

<sup>\*7</sup> F.R. 971.

<sup>47</sup> F.R. 1358.

<sup>57</sup> F.R. 1131, 1245.